

# SUNDERLAND CORE STRATEGY EXAMINATION

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## GUIDANCE NOTE FOR THOSE PARTICIPATING IN THE EXAMINATION

### Introduction

1. I am Mark Dakeyne, a Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Sunderland Core Strategy and Development Plan (Local Plan).
2. The Programme Officer (PO) for the Examination is Kathryn Stule. Her contact details are given below.

### Purpose of the Guidance Note

3. This note provides guidance on procedural and administrative matters for participants involved in the Examination into the Local Plan.
4. All participants should familiarise themselves with the contents of the note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions.

### The role of the Inspector and PO in the Examination

5. My task is to consider the soundness of the plan. The National Planning Policy Framework sets out the criteria for determining soundness - namely that the plan is **Positively Prepared; Justified, Effective and Consistent with National Policy**. Appendix A to this Guidance Note contains a list of useful publications and websites for advice.
6. The starting point is that the Council has submitted what it considers to be a sound plan. I aim to work collaboratively with the Council and the Examination participants in a proactive and pragmatic manner to deliver a positive social, economic and environmental outcome for Sunderland. However, this does not necessarily mean that the plan will be found to be sound.
7. Following the close of the hearings I shall prepare a report to the Council with my conclusions. The Council may formally request me to recommend any Main Modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. I will deal with broad issues in my report, and not with each individual representation.
8. Any Main Modifications are likely to need to be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal. Should this be necessary more information will be provided at that stage.
9. The PO works independently of the Council under my direction in connection with the Examination. Kathryn can be contacted as follows:  
**Address: Room 2.68, Civic Centre, Burdon Road, Sunderland, SR2 7DN**  
**Tel No: 0191 561 1577**  
**E-mail: [programmeofficer@sunderland.gov.uk](mailto:programmeofficer@sunderland.gov.uk)**

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10. 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 up to date. Copies of the Examination documents are on the Council's webpage (see below). Any participant who does not have access to the internet should contact Kathryn so that alternative arrangements can be made.
11. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through Kathryn. 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**

12. At the time of making their representation many representors indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a debate and are seeking a specific change to the plan.
13. A Schedule of Matters and Issues for the Examination and on which the soundness of the plan depends will be prepared shortly having regard to the Council's responses to my preliminary questions. A summary of the likely matters and issues is attached to this note as Appendix B. For each Issue there will be specific questions. These questions are likely to form the basis of the discussion at the hearing sessions and should also be the basis on which written hearing statements, to be submitted in advance of the hearings, are prepared. The hearings are open to all to observe, but only those who have previously made representations relevant to the matters being considered and have indicated that they want to participate, will be allowed to speak.
14. In relation to alternative (omission) sites put forward - pieces of land that representors consider should be allocated but which are not so allocated in the plan - the purpose of the examination is to consider whether the submitted plan is sound. The focus will be on whether or not the process followed by the Council in selecting the allocated sites is sound. This is likely to involve looking at both the process of site selection, including the underlying evidence base and the soundness of individual sites including deliverability where they are challenged. Promoters of omission sites will be allowed to put arguments on these issues but not to promote the merits of their own site.

## **Dates for Hearing Sessions**

15. It is intended that the hearing sessions (which are part of the overall Examination) will open on **Tuesday 21 May 2019**, the first week of sessions taking place between 21-23 May and subsequent weeks taking place on 4-6 June and 11-13 June. All hearings will take place in the Bede Tower, Burdon Road,

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Sunderland, SR2 7EA.

16. The programme indicating the matters to be discussed at each hearing session will be based on the Schedule of Matters and Issues. An indicative programme linked to the summary of Matters and Issues is attached as Appendix B.
17. The first week of the hearings will deal with matters such as legal and procedural requirements; the spatial strategy; strategic policies; and the housing and employment requirements. The second and third weeks of the hearings will deal with Sub-Area policies and allocations, generic policies and infrastructure and implementation.
18. There is a reserve session shown which will be used should discussion on an issue have not been completed or for dealing with additional evidence that I have asked the Council to prepare to support of the soundness of the Plan. Representors should keep this afternoon free albeit it is unlikely to be required.

## **The Hearing Sessions and Hearing Statements**

19. Each matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions and at other sessions several Matters may be discussed consecutively. 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 Schedule of Matters and Issues will be prepared by early April and will form the agenda for each session. **Preparation of statements should not commence until this stage when participants at each hearing will also be confirmed.**
20. 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 focussed series of hearings and in turn, produce a short, focussed report.
21. The Council is required to produce a hearing statement for each of the Matters in which it should seek to answer each of the individual questions set out in the list of Matters and Issues. Other representors may also submit hearing statements on the Matters, Issues and Questions of relevance to their original representation, although it is not a requirement.
22. Hearing statements should be a maximum of 3,000 words for each Matter but 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. Statements should be simply stapled rather than bound.
23. In preparing statements you should only answer the specific questions of relevance to your original representation whilst clearly identifying the number(s)

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of the question(s) you are seeking to answer. In addition to answering the relevant question(s), where a representor is seeking a specific change to the plan in order to make it sound, it would be helpful for suggested wording for the change to be set out in the hearing statement. However, this is only likely to be possible/appropriate for representors seeking a limited and focussed change to the plan. In answering the questions and insofar as it is relevant, participants may particularly wish to refer to the documents which the Council has submitted to the Examination.

24. Three paper copies and if feasible, an electronic version of each hearing statement should be submitted to the PO **by 17:00 on Friday 10 May 2019**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted. Apart 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. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

## The Hearing Programme

25. The programme for the hearings will be finalised and circulated in early April. Detailed agendas will be circulated a few days in advance of each hearing. It will also be possible to check the programme, agendas and progress of the hearings on the web site or by contacting the PO, once details are published.
26. On most days there will be morning and afternoon hearings with sessions starting at 09.30 hours and 13.30 hours. There is scope for most sessions to run for up to 3 hours although there will be comfort breaks mid-morning and mid-afternoon.

## The Examination Website

27. The Examination Library is accessible from the Examination web site: <https://www.sunderland.gov.uk/CSDPEIP>
28. This contains the Council's evidence base comprising Submission and Supporting Documents, and documents produced during the Examination, including my questions to the Council and the Council's responses. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of documents from the evidence base to hearing statements as they are already Examination documents.

## Site visits

29. I will carry out a familiarisation visit to the City. 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 again 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.

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## And Finally...

25. I emphasise:

- I shall have equal regard to views put orally or in writing;
- the need for succinctness - please respect the letter and spirit of the 3,000 word limit in hearing statements with only limited and directly relevant appendices;
- that you must meet the deadlines for the submission of hearing statement(s);
- that your hearing statement(s) should focus on answering the questions I will pose in the *Schedule of Matters, Issues and Questions*.

*Mark Dakeyne*

INSPECTOR

(March 2019)

Attached – Appendices A and B

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## **Appendix A**

### **List of relevant guidance and evidence**

#### **A. Government Policy and Guidance**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Planning Policy Framework
- Planning Practice Guidance

#### **B. Guidance from the Planning Inspectorate**

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Procedural Practice in the Examination of Local Plans: The Planning Inspectorate June 2016 (4<sup>th</sup> Edition v.1)

#### **C. Examination and Evidence Base Documents**

The Examination web site can be found at:

<https://www.sunderland.gov.uk/CSDPEIP>

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## Appendix B

### Summary of Matters and Issues and Preliminary Hearings Programme

#### Tuesday 21 May

##### **9.30 – Introduction to the Hearings, Legal Compliance, Procedural Requirements and the Duty to Cooperate (DTC)**

1. The extent and type of consultation and community engagement;
2. The Sustainability Appraisal and Habitat Regulations Assessment;
3. The timeframe of the LP and its relationship to the evidence base; and
4. The DTC and in particular addressing development needs in the Housing Market Area and dealing with infrastructure constraints, particularly transport.

##### **13.30 – Spatial Strategy**

1. The spatial distribution of development across the sub-areas;
2. The split between the Existing Urban Area and elsewhere and between brownfield and greenfield land;
3. Green Belt –whether in principle exceptional circumstances have been demonstrated for the alteration of Green Belt boundaries (Green Belt alterations will also be discussed in relation to specific allocations during Weeks 2 and 3);
4. The principle of safeguarded land being identified to meet longer-term development needs;
5. The principle of ‘Settlement Breaks’ and the terms of Policy NE7; and
6. Whether Policy NE8 is consistent with national policy.

#### Wednesday 22 May

##### **09.30 - Housing and Employment OAN and Requirements**

1. Whether the evidence base supports the housing requirement of at least 13,410 new homes or 745 dwellings per annum taking into account demographic and economic factors, market signals and affordable housing need;
2. The need for 95 ha of employment land; and
3. The relationship between housing and employment land provision.

##### **13.30 - Housing Land Supply**

1. The components of housing supply to meet the housing requirement;
2. Flexibility and/or a slippage allowance;
3. The small sites/windfall and demolitions allowances;
4. Whether a range of sites would be available, including smaller sites for local builders;
5. The five-year supply position and the assumptions behind it;
6. The housing trajectory; and
7. The need for a Housing Implementation Strategy (HIS) and dealing with ‘significant under-delivery’.

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**Thursday 23 May**

## **09.30 – Specific Housing Needs and Standards**

1. The justification for affordable housing targets in Policy H2, taking into account considerations such as viability;
2. The approach to tenure-split and clustering within Policy H2;
3. The effectiveness of Policy H1 in meeting the need for a mix of dwellings, including larger dwellings and those for older people;
4. The density provisions of Policy H1;
5. The requirements of Policy H1 for Self-Build/Custom Build Housing;
6. The requirements of Policies H1 and BH2 for 10% accessible/adaptable, energy efficient and sustainably designed dwellings and the relationship to the Building Regulations;
7. The justification for applying the Nationally Described Space Standard (Policy BH1);
8. The approach of relying on the Unauthorised Encampment Policy to deal with the need for a stop-over site identified in the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment; and
9. The terms of Policy H4 (Travelling Showpeople, Gypsies and travellers), including the Travelling Showpeople site allocations.

## **13.30 – Employment Land Supply, Employment Policies and Town Centres**

1. The components of employment land supply;
2. Whether the sites designated as Primary and Key Employment Areas through Policies EG1 and EG2 have a reasonable prospect of being used for employment;
3. The effectiveness of Policies EG1 – EG6 and their consistency with national policy;
4. The marketing requirements of Policy EG2;
5. The requirement for 45,400 sq m of comparison floorspace;
6. The indicative split of comparison retail floorspace within Policy SP9 and the capacity of the centres to accommodate the floorspace;
7. The protection of town centres through Policies VC1 and VC2 including the thresholds for impact assessment;
8. The effectiveness of Policy VC3 including its 24-month marketing requirement; and
9. Whether the criteria within Policy VC4 for hot food takeaways are justified, particularly those relating to healthier communities (Section 2 of the policy).

**Tuesday 4 June**

## **09.30 – Strategies and Allocations for the Urban Core**

1. The strategy for the Sub-Area; and
2. The Strategic Site Policy for The Vaux.

## **13.30 – Strategies and Allocations for North Sunderland**

1. The strategy for the Sub-Area (SP4 and SS4);
2. The site selection process for the Housing Growth Areas (HGAs), principally the Strategic Housing Land Availability Assessment (SHLAA);
3. The suitability of the HGAs having regard to infrastructure and other constraints and the need for a range of sites;
4. The effect of the allocations on Green Belt purposes and permanence;
5. Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential



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mitigation;

6. The Habitats Regulations Assessments for HGA7 and HGA8;
7. The development criteria; and
8. The delivery of the HGAs over the plan period.

## **Wednesday 5 June**

### **09.30 – Strategies and Allocations for Washington**

1. The strategies for the Sub-Area (SP3 and SS2);
2. The site selection process for the HGAs, principally the SHLAA;
3. The suitability of the HGAs having regard to infrastructure and other constraints and the need for a range of sites;
4. The effect of the allocations and safeguarded land on Green Belt purposes and permanence;
5. Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation;
6. The development criteria; and
7. The delivery of the HGAs over the plan period.

## **Thursday 6 June**

### **09.30 – Strategies and Allocations for The Coalfield**

1. The strategy for the Sub-Area (SP6 and SS7);
2. The site selection process for the HGAs, principally the SHLAA;
3. The suitability of the HGAs having regard to infrastructure and other constraints and the need for a range of sites;
4. The effect of the allocations on Green Belt purposes and permanence;
5. The definition of the Settlement Break within the Sub-Area;
6. Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation;
7. The development criteria; and
8. The delivery of the HGAs over the plan period.

### **13.30 – Strategies and Allocations for South Sunderland**

1. The strategy for the Sub-Area (SP5);
2. The Port of Sunderland (SS5)
3. The site selection process for the South Sunderland Growth Area (SSGA), principally the SHLAA;
4. The suitability of the SSGA having regard to infrastructure and other constraints and the need for a range of sites;
5. The effect of the allocations on Green Belt purposes and permanence;
6. The definition of the Settlement Break within the Sub-Area;
7. Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation;
8. The development criteria; and
9. The delivery of the SSGA over the plan period.

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## **Tuesday 11 June**

### **09.30 – Generic Policies/Minerals and Waste Policies (Combined Session)**

1. Whether other generic policies of the LP are positively prepared and consistent with national policy; and
2. Whether the minerals and waste policies of the LP are positively prepared and consistent with national policy.

## **Wednesday 12 June**

### **09.30 – Infrastructure and Delivery and Monitoring and Implementation**

1. The transport schemes referred to in Policy SP10 – their necessity and deliverability;
2. Whether other necessary infrastructure will be delivered in a timely fashion e.g. schools, health services;
3. The identification of infrastructure in the Infrastructure Delivery Plan and its delivery through Policy ID1;
4. The delivery of Open Space and other Green Infrastructure;
5. The effectiveness of the Monitoring Framework; and
6. LP Review Mechanisms.

### **13.30 – Reserve Session**

## **Thursday 13 June**

### **09.30 – Review Session**