

Examination of the Sheffield Plan: Our City, Our Future

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Website: <https://www.localplanservices.co.uk/sheffieldplan>

Inspectors' Guidance Note V2

February 2024

This Guidance Note was republished on 23 February 2024 to amend hearing dates and deadlines for hearing statements due to delayed submission of evidence.

Introduction

1. The Sheffield Plan: Our City, Our Future (the Plan) Publication (Pre-Submission) Draft dated December 2022 was submitted to the Secretary of State for Examination on 6 October 2023. This Guidance Note sets out procedural aspects of the Examination process.
2. All participants should familiarise themselves with the Guidance Note, particularly those who wish to submit hearing statements and/or participate in hearing sessions.

The role of the Inspectors

3. The Inspectors have been appointed by the Secretary of State. The Inspectors' role is to determine whether the Plan satisfies legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations, and whether the Plan is sound. To be sound, the Plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted what it considers to be a sound Plan. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of the tests of soundness set out at paragraph 35 of the National Planning Policy Framework (the Framework) published on 5 September 2023. The recently published Framework (December 2023) is not of relevance to this Examination in accordance with the transitional arrangements set out at paragraph 230 of the December 2023 Framework.
4. The Inspectors will aim to work with the Council and all participants in the Examination in a positive and pragmatic manner.

The role of the Programme Officer

5. The Programme Officer for the Examination is Ian Kemp. He can be contacted regarding the Examination at:

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6. The Programme Officer acts as an impartial officer of the Examination between the Inspectors and everyone involved; liaises with all parties to ensure the Examination's smooth running; ensures that all documents received are recorded and mounted on the Examination website; and keeps the Examination library up to date.
7. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be discussed.
8. All procedural questions or other matters that you wish to raise with the Inspectors prior to the hearing sessions should be made through the Programme Officer.

The Examination

9. The Framework requires that Local Plans are prepared in accordance with the Duty to Co-operate, meet legal and procedural requirements and are 'sound'. As part of this, the Inspectors will need to determine whether or not:
 - The Council has complied with the Duty to Co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended);
 - The Plan has been prepared in accordance with the Council's Local Development Scheme and Statement of Community Involvement;
 - The Plan has been subject to an adequate Sustainability Appraisal;
 - The requirements of the Conservation of Habitats and Species Regulations 2017 have been complied with, having regard to relevant national policy and guidance, and if an appropriate assessment has been carried out where necessary; and
 - Relevant publicity and procedural requirements have been met.
10. The Framework states that Plans are 'sound' if they are:
 - **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Making Changes to the Plan

11. The starting point is that the Council should have submitted a Plan which they consider is ready for examination. Once submitted for Examination, there are only two means by which changes can be made to the Plan:

- Main Modifications recommended by the Inspectors; and
- Additional Modifications made by the Council on Plan adoption.

12. The Inspectors can recommend Main Modifications if they are necessary to resolve problems that would otherwise make the Plan unsound, or not legally compliant. Main Modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential Main Modifications must be subject to public consultation, with further sustainability appraisal where necessary, prior to the report being finalised.

13. The Council would be able to make Additional Modifications prior to adopting the Plan provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Council. We will not be considering such Additional Modifications during the Examination and they will not form part of our report.

Modifications suggested by the Council and others

14. The Council has submitted schedules of Main Modifications and Additional Modifications¹ to the Plan. As far as we are aware, these have not been subject to public consultation. Although they serve as an indicator of where the Council considers Main Modifications could

¹ Schedule of Suggested Amendments to the Publication Draft Plan (to Address Issues of Soundness) (CD31) and Council's Submitted Schedule of Suggested Additional Minor Modifications (CD32)

be made to make the Plan sound, our remit is to consider the Plan as submitted and we will be examining the Sheffield Plan: Our City, Our Future Publication (Pre-Submission) Draft documents dated December 2022 (CD01 - CD06) on that basis.

15. We have looked at the Council's Submitted Schedule of Suggested Additional Minor Modifications (CD32) and identified the modifications which we are happy to accept as forming part of the submitted Plan. The Schedule of Suggested Additional Minor Modifications to the Publication Draft Sheffield Plan agreed by Inspectors (EXAM 1A) published on the Examination website are to be taken into account as part of the submitted Plan.
16. Changes to the Plan suggested by the Council, or any other participants, may be discussed, where appropriate, at the relevant hearing session.

Hearing sessions

17. The hearings are part of the Examination into the Plan and it is intended that the hearing sessions take place in three stages. The Stage 1 hearing sessions will address the Duty to Co-operate, legal and procedural requirements, and key strategic issues. Stage 2 hearings will address viability, site-specific policies, site allocations and housing supply. Stage 3 hearings are intended to address development management policies. A list of Matters is located at the end of this Guidance Note.
18. The hearings are timetabled to take place in Sheffield as follows:

Stage 1 hearings: Weeks commencing 24 June and 1 July 2024
Stage 2 hearings: Weeks commencing 23 and 30 September, and 7 October 2024
Stage 3 hearings: Weeks commencing 4 and 11 November 2024
19. At each stage, the hearing sessions will be informal, yet structured events. The hearings will be round table discussions led by the Inspector(s). Participants may choose to be professionally represented at the hearings, but there will be no cross-examination or detailed presentation of evidence.
20. There will be morning and afternoon hearings with sessions starting at 09.30am and 2.00pm. There will be a comfort break mid-morning and mid-afternoon and a lunch break of no less than 45 minutes. The Inspectors will aim to finish hearings no later than 5.00pm each day.

21. Hearings are programmed to avoid sitting on Mondays. Fridays will be kept for reserve sessions which will be used should discussion on a Matter not have been completed or for dealing with additional evidence that we have asked the Council to prepare. Participants should keep the reserve days free in the event that they are required.
22. A Provisional Hearings Programme V2 has been produced and mounted on the Examination website. It is likely that the detailed programme will change closer to the hearings and we have set out dates by which we expect to provide final draft programmes prior to each stage of hearings. Any changes will be mounted on the Examination website. It is the participants' responsibility to check the website and ensure that they attend the appropriate Matters.
23. The participants for each Matter will be those who made relevant representations to the Publication (Pre-Submission) Draft Plan consultation and have confirmed to the Programme Officer that they wish to speak. Each session will be arranged by Matter and Issue. It is important that participants check that they have been allocated to the correct session, contacting the Programme Officer if unsure.
24. If anyone has any specific needs in relation to attending a particular session, please let the Programme Officer know in advance.

Watching the hearings

25. If you wish to attend the hearing sessions to observe proceedings rather than participate, it will be possible for people to attend in person. It is unlikely that the hearings will be livestreamed or filmed. If this changes, this will be confirmed on the Examination website.

Participating in the hearings

26. The ability to speak at the hearings is not available to all but is limited to either those with a legal right or those specifically invited by the Inspectors. Those that have made a valid representation seeking a change to the Plan (an objection) have the right to make their case in person at the hearings if they have indicated their wish to do so. However, written representations carry as much weight as evidence given at the hearings. Participation at a hearing session will only be useful and helpful to us if you wish and need to take part in debate and are seeking a specific change to the Plan.

27. The hearings will be open to the public to observe but only invited participants who previously made representations objecting to relevant parts of the Plan will be able to speak. An agenda for each hearing will be circulated to participants in advance.
28. The Inspectors' Matters, Issues and Questions (MIQ) will form the basis of the discussions at hearing sessions. MIQ have been published for Stages 1 and 2 alongside this Guidance Note. The MIQ for Stage 3 hearings are expected to be released on 14 June 2024.
29. As the Council's Strategic Flood Risk Assessment Level 2 is expected on 26 April 2024, supplementary questions for Stage 1 and Stage 2 hearings will be issued during the week commencing 29 April 2024.
30. If representors wish to participate in the hearings, please let the Programme Officer know by email which hearing sessions you wish to speak at. Please refer to the specific stage, relevant Matter number and representation number if possible. **The deadlines for participation in each stage of hearings are:**

Stage 1 hearings: 15 March 2024

Stage 2 hearings: 22 May 2024

Stage 3 hearings: 28 August 2024

31. **Please note:** You should only attend a hearing session where you have made a relevant representation seeking a change to the Plan. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings.
32. A final draft Provisional Hearings Programme for each stage will be published on the Examination website approximately one week prior to hearings for that stage. It is the responsibility of the participants to check the progress of the hearings on the Examination website or by contacting the Programme Officer, and to ensure that they are present at the relevant hearing.

The submission of hearing statements

33. The Council should produce an individual written statement for each Matter, addressing the MIQ. They should include specific references to supporting evidence where appropriate. The Council is also asked to address key points raised in representations.
34. Other participants may, if they wish, submit written statements addressing the MIQ for the hearings they are attending which are

relevant to their representations. There is no need to repeat points already made in representations. Participants may wish to rely on these earlier representations. Others who have made relevant representations but are not participating in the hearings may also submit statements addressing the MIQ.

35. If preparing statements, representors should bear in mind that the Council has responded to the representations which may assist representors in understanding the Council's position. The schedules of representations by policy/person with the Council's responses are available on the Examination website (CD24 – 30).
36. Statements for the hearings should be succinct (**no more than 3,000 words long for the whole statement**), concentrating on responding only to the specific questions raised and clearly related to the original representation. All hearing statements submitted **must use paragraph and page numbers** to allow for ease of reference during hearings. There is no need to include extracts from the Plan, other Examination documents or those in the public domain such as the Framework or Planning Practice Guidance. If referring to documents, clear cross-referencing will suffice.
37. The Council does not have to observe the 3,000 word limit as it will need to respond to every question and issue within each Matter. However, the Council's responses should be succinct, while covering the key points.
38. The Council's evidence base documents form part of the Examination Library, which is accessible from the Examination website.
39. In preparing hearing statements you should clearly identify the numbered 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, suggested wording for the change should be set out in their hearing statement. However, this is only likely to be possible/appropriate for representors seeking a limited and focussed change to the Plan.
40. **Separate hearing statements should be submitted for each Matter.** Separate hearing statements should not be bound in a single document. 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.

41. The hearing statements should be sent to the Programme Officer – these statements should be provided as **three paper copies and one electronic copy of each hearing statement**. For both the Council and other participants, **the deadlines for receipt of written hearing statements are as follows:**

Stage 1 hearings for Matters 1 – 7	26 April 2024
Supplementary questions for Stage 1:	Electronic copies on 5 June 2024 and paper copies by 7 June 2024
Stage 2 hearings for Matters 8 – 18:	Electronic copies on 5 June 2024 and paper copies by 7 June 2024
Stage 3 hearings for Matters 19 – 26:	6 September 2024

42. Each deadline must be adhered to for the hearings on the relevant Matters to proceed as planned. Unless there are exceptional circumstances, it is unlikely late submissions will be accepted. It should be made clear who is submitting the hearing statement (quoting the respondent reference number) and the relevant Matter.
43. Hearing statements will be posted on the Examination website, so that they are available to all participants and anyone else who wishes to read them. They will not be circulated directly to participants. However, anyone who is unable to access them on the Examination website may request copies from the Programme Officer.
44. Other than the hearing statements and Statements of Common Ground referred to above, no further information or documents should be submitted to the Examination unless specifically requested. Any unsolicited items will be returned.

Statements of Common Ground

45. Statements of Common Ground are welcomed where these would identify points of agreement and points remaining in dispute. They could include agreed wording of a suggested change to a policy, agreed factual information, or areas or points of disagreement. Work on such statements should commence now with the aim of completing them in time to influence relevant hearing statements.
46. Where possible, Statements of Common Ground should be submitted alongside hearing statements. If you intend to submit Statement(s)

of Common Ground, we would be grateful if you could make the Programme Officer aware of this in advance of their submission.

Consideration of alternative sites

47. Alternative sites that have been put forward for inclusion in the Plan, but not selected for allocation by the Council, are known informally as omission sites. 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. Those promoting omission sites will be allowed to put arguments on these issues but not to promote the merits of their own site.
48. It is not part of our role to examine the soundness of omission sites, and such sites will not normally be discussed in detail at the hearings. Should the situation arise that additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), we will look to the Council in the first instance to decide which alternative site(s) should be brought forward for Examination.

Site visits

49. As part of our assessment of the soundness of the Plan, we have visited sites and areas and will continue to do so during the Examination. These visits will generally take place unaccompanied by any other parties unless we need to arrange access to private land. The Programme Officer will make the necessary arrangements with the relevant parties in such circumstances.

Closing the Examination

50. Following the hearings, the relevant findings will be set out in the Inspectors' Report, or in some cases, as Interim Findings. Our report will be sent to the Council at the end of the Examination and will set out the conclusions, and where necessary, any Main Modifications required to make the Plan sound and/or legally compliant.
51. The Examination will remain open until our report is submitted to the Council. During this time, no further written submissions or evidence will be taken into account unless specifically requested.

Further information

52. Further information on the Examination of Local Plans can be found in:

- The Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Planning Inspectorate's Procedure Guide for Local Plan Examinations (February 2023) <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>
- The Planning Inspectorate's Taking Part in Examinations (February 2023) <https://www.gov.uk/guidance/taking-part-in-local-plan-examinations>

53. Please contact the Programme Officer if you have any further queries.

J Gilbert

R Morgan

D Troy

INSPECTORS

Overview of Matters

<p>Stage 1:</p>	<p>Matter 1: Procedural/Legal Requirements</p> <p>Matter 2: Duty to Co-operate</p> <p>Matter 3: Housing Need</p> <p>Matter 4: The Spatial Strategy</p> <p>Matter 5: Employment</p> <p>Matter 6: Green Belt</p> <p>Matter 7: Infrastructure and Transport</p>
<p>Stage 2:</p>	<p>Matter 8: Viability</p> <p>Matter 9: Central Sub-Area</p> <p>Matter 10: Northwest Sheffield Sub-Area</p> <p>Matter 11: Northeast Sheffield Sub-Area</p> <p>Matter 12: East Sheffield Sub-Area</p> <p>Matter 13: Southeast Sheffield Sub-Area</p> <p>Matter 14: South Sheffield Sub-Area</p> <p>Matter 15: Southwest Sheffield Sub-Area</p> <p>Matter 16: Stocksbridge/Deepcar Sub-Area</p> <p>Matter 17: Chapeltown/High Green Sub-Area</p> <p>Matter 18: Housing Supply</p>
<p>Stage 3:</p>	<p>Matter 19: Residential Development Policies</p> <p>Matter 20: Economic Development Policies</p> <p>Matter 21: Retail and Communities Policies</p> <p>Matter 22: Climate Change and Natural Resources</p> <p>Matter 23: Natural Environment</p> <p>Matter 24: Design and Built Environment</p> <p>Matter 25: Transport and Connectivity</p> <p>Matter 26: Implementation and Monitoring</p>

Overview of Key Dates

Date	Event
Week commencing 5 February 2024	Issue of MIQ for Stage 1 and Stage 2 hearings
15 March 2024	Deadline for confirming participation in the Stage 1 hearings
26 April 2024	Deadline for hearing statements for Stage 1 hearings and any relevant Statements of Common Ground
26 April 2024	Deadline for submission of the Council's Strategic Flood Risk Assessment Level 2
Week commencing 29 April 2024	Issue of supplementary questions for Stage 1 and Stage 2 hearings
22 May 2024	Deadline for confirming participation in the Stage 2 hearings
5 June 2024	Deadline for: <ul style="list-style-type: none"> • Electronic submission of supplementary hearing statements for Stage 1 hearings; and • Electronic submission of all hearing statements (including supplementary questions) for Stage 2 hearings and any relevant Statements of Common Ground
7 June 2024	Deadline for: <ul style="list-style-type: none"> • Paper submission of supplementary hearing statements for Stage 1 hearings; and • Paper submission of all hearing statements (including supplementary questions) for Stage 2 hearings and any relevant Statements of Common Ground
14 June 2024	Issue of MIQ for Stage 3 hearings
24 June 2024	Final draft programme published for Stage 1 hearings
Weeks commencing 24 June and 1 July 2024	Stage 1 hearings take place
28 August 2024	Deadline for confirming participation in the Stage 3 hearings

Date	Event
6 September 2024	Deadline for hearing statements for Stage 3 hearings and any relevant Statements of Common Ground
16 September 2024	Final draft programme published for Stage 2 hearings
Weeks commencing 23 and 30 September and 7 October 2024	Stage 2 hearings take place
25 October 2024	Final draft programme published for Stage 3 hearings
Weeks commencing 4 and 11 November 2024	Stage 3 hearings take place