

EXAMINATION OF THE LAMBETH SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

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GUIDANCE NOTE FROM THE INSPECTOR

Purpose

1. This Note provides information about the Examination of the Lambeth Site Allocations Development Plan Document (the SADPD) and is intended to assist with the efficient running of the Examination. It also assists those who have made representations on the SADPD as part of the pre-submission consultation processes and those who wish to appear at the hearing sessions. It concerns procedural and other aspects of the examination process.
2. The term “Examination” refers to the whole process during which the Inspector considers the SADPD. It started with the submission of the draft SADPD by the Council to the Planning Inspectorate and ends when the Inspector’s Report is formally submitted to the Council. Therefore, the Examination process has already started.
3. This note accompanies the publication of the Matters, Issues and Questions (MIQs) where the Inspector has set out following their initial appraisal of the SADPD and the submitted representations. A *provisional* hearing programme is also published alongside this note. Hearings on the SADPD are being held in a single stage over a 2 week period with an estimate of 6 days. The hearings are scheduled to commence on **Tuesday 18 February – Thursday 20 February and Tuesday 4 March to Thursday 6 March with a virtual contingency day (tbc).**
4. Annex A contains a list of relevant publications.

Role of the Inspector

5. The Inspector appointed to hold the Examination is R Aston BSc (Hons) DipTP MRTPI. The Inspector has four main roles:
 - To consider whether the SADPD has been prepared in accordance with the Duty to Co-operate as required by the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011;

- to consider whether the SADPD meets the legal requirements of the Planning and Compulsory Purchase Act 2004 as amended, and also whether it meets the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012;
 - to consider whether the SADPD is sound; and
 - to carry out the Examination with the objective of contributing to the achievement of sustainable development as set out in section 39 of the Planning and Compulsory Purchase Act 2004.
6. If the Inspector considers that the SADPD has shortcomings with respect to legal compliance and/or soundness, the Council may request him to make such modifications to the SADPD as are necessary in order to rectify these shortcomings. Such changes are known as “Main Modifications” (MMs) and are those that tend to affect the substance or application of policies and which the Inspectors consider to be necessary to achieve soundness or regulatory compliance.
 7. One aspect of a SADPD’s legal compliance which the Inspector has no discretion to remedy through the recommendation of MMs is the Duty to Co-operate. This is because the Duty to Co-operate is relevant to the preparation of plans, a phase of the plan-making process which concludes on submission of a plan to the Secretary of State. Put plainly, if the Duty to Co-operate has not been met, a plan will fail.
 8. Changes may be suggested by the Council and others during the course of the Examination to address legal compliance or soundness matters. Indeed, the Council has prepared a table of proposed modifications, which in some instances seeks to address matters arising from representations. As the Council has already requested that the Inspector recommend any main modifications to the SADPD necessary to make it legally compliant and/or sound the Inspector will consider the Council’s table of modifications and other relevant changes suggested during the course of the Examination on this basis. The Council should keep the table of proposed modifications up to date with any further suggested changes which may arise through the Examination.
 9. It is important to emphasise that the task of the Inspector in examining the SADPD is one of ensuring adequacy and not perfection – in short if the Inspector finds elements of the SADPD to be sound as submitted, the Inspector has no discretion to recommend MMs that would improve the SADPD or make it ‘more sound’. For example, if an alternative version of a policy is put forward, the Inspector cannot recommend it as an improvement if the SADPD is already sound in that respect.
 10. There is a distinction between main and additional modifications. Additional modifications are those such as factual updates or corrections to spelling or grammar that have no material bearing on the soundness or legal compliance of the SADPD. Additional modifications such as these are matters for the Council and not relevant to the examination

of the SADPD. In short, the Inspector does not have the power to recommend, and will not therefore concern themselves with, any additional modifications.

11. **Soundness** - The soundness of the SADPD is based upon the four criteria set out in the National Planning Policy Framework (the Framework), namely that the draft plan is: positively prepared, justified, effective and consistent with national policy. Paragraph 36 of the Framework gives more detail on these criteria as follows:
 - a. **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;
 - b. **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c. **Effective** – deliverable over the SADPD 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
 - d. **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.
12. Further details of the examination process are set out in the Planning Inspectorate’s publication Procedure Guide for Local Plan Examinations. See Annex A for details of how to access this document.

The Examination Process

13. The starting point for the Examination is that the Council has submitted what it considers to be a sound and legally compliant SADPD. Those seeking changes must demonstrate why the SADPD is unsound by reference to one or more of the tests of soundness, and/or identify any issues of non-compliance with legal requirements. Unresolved issues concerning soundness or legal compliance may be addressed through discussion at the Examination hearings and/or through consideration of written representations.
14. The Inspector has identified Matters for consideration, Issues on which the soundness of the SADPD depends and Questions which the Council will be asked to respond to (MIQs). Representors may also submit responses to the questions relevant to their representations by the deadline, and in the format, set out in this note.
15. The Inspector will aim to work with the Council and the other Examination participants in a positive, proactive, and pragmatic manner. He will examine the soundness of the whole SADPD, having regard to the representations submitted, rather than just the objections made. The hearing process is informal with Inspector-led “round table” sessions addressing particular topics, rather than the more formal, traditional format of a public inquiry.

16. After the hearings have closed, the Inspector will prepare a report for the Council with conclusions and recommendations. The report will deal with broad issues, and not with individual representations. If the Inspector finds the SADPD to be legally compliant and sound in all respects, the report will recommend its adoption. If it is found that the SADPD is legally non-compliant or unsound in any respect, the Inspector can recommend MMs to make it compliant and sound, where specifically requested to do so by the relevant Planning authorities. In the case of the SADPD, the Council has confirmed that they wish the Inspector to recommend MMs, if they consider these to be necessary. The report will deal with the main issues concerning the soundness of the SADPD, taking into account the representations received.
17. If MMs are proposed, further consultation will need to take place so that the rights of interested parties are not prejudiced. Where appropriate, MMs may also need to be covered by a revised Sustainability Assessment and have regard to the Habitat Regulations. The Council may then, if it so wishes, formally adopt the SADPD, incorporating the recommended MMs.

Programme Officer

18. The Programme Officer (PO) for the Examination is Ms Charlotte Glancy of Banks Solutions. For the purposes of the Examination Ms Glancy acts as an impartial officer of the Examination, under the direction of the Inspector, and not as an employee of the Council. Contact details are included in the banner heading of this note.
19. Ms Glancy's main tasks are to liaise with all parties to ensure the smooth running of the Examination, to organise the Hearings Programme, and to ensure that all documents received both before and during the hearings are recorded and distributed. Copies of all the Examination documents, including the representation forms and further written submissions, will be available in the Examination Library. Any other procedural questions or other matters that you wish to raise prior to the hearings should be directed through Ms Glancy rather than the Council.

Representations

20. Representations have been received on the Regulation 19 version of the SADPD. These have been published on the Examination website at the following addresses:

[From the Local Authority | Lambeth Council](#)

21. The Inspector will take account of all written representations as well as those delivered orally during the hearing sessions. Both have equal weight. Those who simply wish to rely on their previous submissions need take no further action; they can rely on what they have already submitted in writing. Although all of the hearing sessions will be open for the public and press to observe, the right to participate in a hearing extends only to those who propose changes to the SADPD at the Publication (or Regulation 19 stage) in order to make it sound and legally compliant. This is one of the differences of the examination process compared to other Planning procedures.

22. There is no need for those supporting the SADPD to take part in the hearings. However, if anyone wants to make a further written submission supporting their position, it should be focussed on the Matters identified for the relevant hearing sessions set out in the MIQs document, which this Guidance Note accompanies.
23. As set out above, whether views are expressed in writing or orally they will carry the same weight and the Inspector shall have equal regard to views expressed by both methods. Attendance at a hearing session will only be useful if you need to participate in a discussion concerning the soundness or legal compliance of the SADPD. Notwithstanding any indications that may have previously been made about attendance at the hearing sessions, anyone who has a right to be heard and considers it is necessary for them to participate at a hearing session should confirm their interest in attending indicating which of the matters you wish to discuss.
24. **Should you wish to participate in any of the hearing sessions, please advise the Programme Officer of your intention to do so by midday on Friday 31 January 2025.** Those who wish to proceed by written means can rely on what they have already submitted or submit further representations (in accordance with the timetable and format for hearing statements set out below), if considered necessary.
25. In some circumstances, it may be appropriate for participants to reach an agreed position with the Council and to set this out in a Statement of Common Ground. Such a Statement might contain the suggested wording for any MMs that the parties consider to be necessary to achieve soundness or legal compliance, and which they wish the Inspector to consider. Such statements of common ground should be received by the PO **a minimum of 5 working days before the relevant hearing day.**

Hearing Statements

26. The Council should produce a hearing statement for each of the Main Matters listed in the MIQs. Where the Council considers that suggested MMs contained in the submitted table adequately address issues and questions this should be set out clearly in the relevant hearing statements. Were the Council to consider further alterations to be needed to address the MIQs this should be reflected in the relevant statement, and included in an updated suggested MMs table, which should be published alongside the statements to facilitate discussion at the hearings.
27. Other representors can submit statements, but it is not a requirement to do so. Any written statements should be made in response to the specific MIQs which the Inspector has set out and should be sent to the PO by **Midday on Friday 31 January 2025**. This deadline relates to the receipt of both paper and electronic copies. Representors should provide focused statements, which concentrate on responding to the matters, issues and questions of relevance to them.
28. Under the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, all documents published on local authority websites should meet the Web Content Accessibility Guidelines (WCAG) 2.2 AA accessibility standard. Where

representors are submitting statements, they are encouraged to ensure that their documents meet this accessibility standard, to enable timely publication on the examination website. Representors should redact any sensitive data prior to the submission of hearing statements as statements will be published and made available publicly. Further details on accessibility can be found at: <https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>

29. Representors are also welcome to comment on new evidence which may have arisen since their original representations were submitted as part of their written statements – including any changes to the SADPD that have been suggested by the Council since the start of the Examination and included in documents which are available on the Examination website. Any statements received in accordance with the timetable will be placed on the Examination website.
30. Annex B sets out the requirements for the presentation of all statements. Its provisions should be read and implemented to avoid statements being returned due to non-compliance. Please note that the 3,000 word limit applies to statements provided by representors – however, as the Council has to respond to all issues and questions relevant to each matter they may exceed this word limit where absolutely necessary.
31. Essentially, the Inspector needs to know the following from those representors submitting further written statements:
 - What part of the SADPD the representors consider to be unsound or not legally compliant;
 - Which soundness tests or legal requirements the SADPD does not meet;
 - Why it fails these tests (highlighting the key parts of your original representations, as relevant);
 - How the SADPD could be made sound;
 - Any modification and/or wording that you might suggest to make the SADPD sound or legally compliant.

Hearings

32. The hearings will open in person at **0930 hours on Tuesday 18 February 2025** and could involve a blend of in-person attendance and participation via video conferencing software where and if necessary. Arrangements may also be in place for people to observe the sessions.
33. Further addenda to this Guidance Note may be produced closer to the opening of the hearing sessions to cover the protocols and procedures specific to any video-conferencing elements which may be used in the hearings.
34. The hearings will provide a setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring with them professional experts. Barristers and/or

solicitors (if present) will be treated as part of a professional team – there will be no formal presentation of evidence or cross-examination.

35. The purpose of the hearings is to concentrate on the MIQs. The discussion will focus on the questions together with any additional points raised by the written statements. Agendas and further session-specific guidance documents may be produced by the Inspector to facilitate discussion, if it is considered such material to be necessary. The Inspector will be conducting the hearings in a pragmatic and solution-orientated manner and expect participants and observers to assist him in this task by being cooperative and respectful to others involved in the Examination.
36. The discussion will be structured around the Matters, Issues and Questions relevant to that particular hearing session. The emphasis will be on testing for soundness and legal compliance. Those present will be asked to introduce themselves. The Inspector will usually begin a hearing session by asking the Council to open and outline its position – followed by the Inspector's questions on this. Participants will then be invited to make their contributions. The hearings will progress with the Inspector drawing those present into the discussion in such a way as to enable them to gain the information necessary to come to a view on the relevant matters. It is not an opportunity simply to repeat a case already set out in written representations elsewhere. In some instances, the Inspector may make a few brief comments on the matters which they want to be covered, then invite individuals to make their contribution in response to the points they have raised. In others, the Inspector may invite participants to give a general overview of their position on an aspect of the SADPD.
37. Where there are a large number of representors who wish to speak on the same matter the Inspector may ask for a number of spokespersons to be agreed to participate in the hearing session. All participants will have an equal chance to speak.
38. There will be an opportunity within the discussion to ask questions of the Council where appropriate – albeit discussion should be channelled through the Inspector. No more evidence should be submitted once the hearing session has closed unless the Inspector expressly invites or allows it. The Inspector will conduct a short, focussed series of hearings which, in turn, will lead to a short, focussed report.

The Evidence Base (Core Documents) and Examination Library.

39. The Council has prepared a list of the evidence core documents that are available in the Examination Library. As each written submission is received it will be added to the evidence base, as will any other new evidential documents which the Inspector has accepted. These documents may be accessed via the Examination website, which will be regularly updated. The Examination website address is:

[Site Allocations Development SADPD Document | Lambeth Council](#)

Site Visits

40. The Inspector may wish to visit certain sites before, during, or after the hearings. These visits will usually be unaccompanied, unless access to private land is required. If at the

hearing sessions it emerges that accompanied site visits to private land may be needed arrangements for these will be made at the appropriate time.

Closing remarks

41. The Inspector urges everyone to:
- Make the best use of the remaining time before the start of the hearing sessions to ensure statements are submitted on time.
 - Ensure that the timescales and deadlines are adhered to as otherwise Examination attendance may have to be rearranged or curtailed.
 - Be aware of the Examination documents, the supporting evidence, and any other relevant material produced by the Council.
 - Focus on the “Matters, Issues and Questions” document and the Framework soundness criteria.
 - Check the website regularly and/or be in contact with the PO – particularly in terms of any updates to the hearing timetable.

Closing the Examination

42. The Examination will remain open until the Inspector’s final report is submitted to the Council. However, no further representations or evidence will be accepted after the respective hearings have closed, unless the Inspector specifically requests it. Any late and/or unsolicited material will be returned. Any queries regarding above, or Examination proceedings more generally should be directed to the PO via the contact details set out above.

R Aston

INSPECTOR

ANNEX A - List of relevant legislation and guidance

Legislation

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended)

Government Policy and Guidance

National Planning Policy Framework

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

National Planning Policy for Waste

<https://www.gov.uk/government/publications/national-Planning-policy-for-waste>

[Planning Policy for Traveller Sites](#)

<https://www.gov.uk/government/publications/Planning-policy-for-traveller-sites/Planning-policy-for-traveller-sites>

Planning Practice Guidance (web-based resource)

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

Guidance from the Planning Inspectorate

Procedural Practice in the Examination of Local SADPDs 7th Edition can be found at:

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

Planning Inspectorate's local SADPD website:

<https://www.gov.uk/guidance/local-SADPDs>

Guidance on taking part in local SADPD examinations:

<https://www.gov.uk/guidance/taking-part-in-local-SADPD-examinations>

Examination and Evidence Base Documents

The Examination web site can be found at:

[SADPD Examination Library | Lambeth Council](#)

ANNEX B - FORMAT FOR STATEMENTS

1. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in PDF format). **All statements should clearly set out who is submitting the statement, including the respondent's reference number, and which matter it relates to.**
2. The Inspectors emphasise the need for succinct submissions with the avoidance of unnecessary detail, repetition, and replication of the original representations.
3. It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from sources, national policy or guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions.
4. Statements should not be longer than **3,000 words** for each Matter addressed. Any printed statements should be prepared on A4 paper, stapled and hole punched. Any oversized plans or diagrams should be folded to A4 size and listed as Appendices.
5. Supporting material in the form of appendices to statements should be limited to that which is essential. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
6. **A separate statement should be submitted for each Main Matter covered. Multiple Main Matters should not be combined into a single statement.** Each statement should specifically address questions covered within an individual Main Matter. This will assist distribution, publication and understanding during the Hearing Sessions.
7. All participants must adhere to the timetable for submitting statements. Late submissions and additional material will not be accepted since this can cause disruption and result in unfairness. If material is not received by the stated deadlines, the PO will assume that original representations only are being relied upon.
8. Statements are to be received by the PO by midday on **Friday 31 January 2025.**
9. **It is stressed that this deadline refers to the receipt of both electronic and paper copies of statements.**
10. Any paper copies of statements should be addressed to the PO at the following postal address: Ms Charlotte Glancy, Programme Officer, London Borough of Lambeth, PO Box 80771, London SW2 9QQ.