



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Service Level Agreement

between

The Planning Inspectorate

and

City and County of Swansea

For the examination of the Swansea Local Development Plan

Dated: 21 June 2017

THIS SERVICE LEVEL AGREEMENT IS NOT LEGALLY BINDING

1. INTRODUCTION

- 1.1. This is an agreement between the City and County of Swansea ('the LPA') and the Planning Inspectorate. It sets out the steps each party will take to deliver an efficient examination and reporting process.
- 1.2. Both the Planning Inspectorate and the LPA will use their best endeavours to adhere to the requirements set out in this Service Level Agreement. Where, for any reason, either party is unable to adhere to the agreement, or any details previously agreed need to be changed, the other party will be notified at the earliest opportunity.
- 1.3. The period of time from commencement of the examination to issue of the Inspector's Report for fact checking will be no more than 11 months from the receipt of the version of the LDP for examination and the complete evidence base. Where the LDP is subject to focussed changes, this will include receipt of all Focussed Changes Consultation Responses and the updated Consultation Report.
- 1.4. The Planning Inspectorate will deliver the report within the 11 months set out in this agreement subject to the LPA meeting all the statutory requirements in accordance with Regulations 22 and 23¹. There are some circumstances where it may be necessary to formally suspend the examination process. Where it is necessary to suspend the examination, the 11 month timetable will in effect be paused and will resume once the examination is able to proceed. A suspension will be called where:
 - i. an appointed Inspector is unable to proceed with their assessment of soundness due to a lack of data of sufficient quality, or where significant concerns are raised which require further work such as the identification of additional sites, or;
 - ii. any Matters Arising Changes are not finalised and ready for consultation within one week of the final hearing**
- 1.5. All correspondence from the LPA regarding this agreement or the examination should be directed through the Planning Inspectorate for Wales. The general contact for LDP work is Robert Sparey (0303 444 5958);
 - e-mails should be sent to: policy.wales@pins.gsi.gov.uk ;
 - postal correspondence should be addressed to: The Planning & Environment Team, The Planning Inspectorate for Wales, Crown Building, Cathays Park, Cardiff, CF10 3NQ.

2. SUBMISSION OF LDP

2.1. The PLANNING INSPECTORATE will:-

- a. seek to appoint an Inspector on confirmation of receipt of a complete Local Development Plan submission, i.e. where the Planning Inspectorate has received the material and matters listed in paragraph 2.2; and
- b. appoint further Inspector(s), Planning Officers or other specialist adviser(s) to assist the Inspector, if and when deemed necessary. In this instance we anticipate the appointment of an assistant Inspector, if this changes, we will let you know.

¹ The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended.

2.2. The LPA will provide:

- a. **One paper copy² and one electronic copy** of:
 - i. The **submitted LDP**;
 - ii. The **schedule of focussed changes and a composite version of the LDP showing the focussed changes as 'track changes'** (where applicable);
 - iii. The final reports of the **Sustainability Appraisal (SA) and Habitats Regulations Assessment**;
 - iv. The **DA incorporating the CIS**;
 - v. All the documents that comprise the **core Evidence Base³**;
 - vi. The **candidate sites register** (where applicable);
 - vii. A copy of all representations⁴ received under Regulation 18 and, where applicable, on the schedule of Focussed Changes;
 - viii. Any **statements of common ground** agreed between the LPA and substantive objectors;
 - ix. Any schedule identifying **minor changes** to the Deposit LDP (or, where an adopted plan is being revised, the adopted LDP), which do not relate to soundness; and
 - x. A **Consultation Report** including:
 - A summary of how the LPA has involved the community and stakeholders in the preparation of the plan and sustainability appraisal (including the SEA).
 - Any deviation from the CIS with explanation (Regulation 9(6)).
 - The total number of representations received.
 - A summary of main issues arising from the deposit consultation and the LPA's recommendations/actions⁵.
 - A list of any representors who wish to be heard during the examination, including a list of those who wish to be heard was grouped by 'main issue' - i.e. to form the basis of a programme of hearings.
 - A list of representations which, in the opinion of the LPA, were not duly made.
 - A spreadsheet (or similar format), provided as an appendix to the main report, which records each representation received (hyperlinked to the scanned original copies, if possible) and summarises how the LPA recommends the representation should be addressed.
- b. The following information:
 - i. The name and contact details of the appointed Programme Officer;
 - ii. The preferred date for the opening of any hearing part of the examination; and
 - iii. Details of the proposed venue(s) for any hearing part of the examination.

² A supplementary copy of the documents listed in this section may be required in the event that an additional Inspector is appointed.

³ A complete Evidence Base must be provided on submission. The Inspectorate may agree to certain 'non-core' Evidence Base documents being provided in electronic format only. This must be agreed in advance of submission. However, all documents must be made available via the LPA's examination website.

⁴ It is not necessary to include representations which have been withdrawn prior to submission.

⁵ For each main issue, a summary should be provided of the matters raised in relevant deposit representations and the LPA's recommendations for how those matters should be addressed in the LDP. Representors who wish to be heard should also be identified.

3. PROGRAMME OFFICER

3.1. The LPA will:

- a. appoint an appropriately trained Programme Officer to be in post prior to submission of the LDP and who will be available throughout the anticipated examination period, in particular up to and during the hearings process. The Programme Officer must have no connection with the preparation of the submitted LDP;
- b. provide suitable accommodation for the Programme Officer, with IT and communication facilities, which, during the hearing part of the examination, should be adjacent to the examination venue and accessible to members of the public;
- c. ensure that all communication between the Inspector and the LPA or those making representations will be through the Programme Officer; and
- d. ensure that the Programme Officer remains in post until the examination closes at delivery of the Inspector's report.

4. INVOICING

- 4.1. The cost of the Inspectors' preparation, sitting and reporting time will be based on the current Standard Daily Amount (which is subject to periodic review and revision by the Welsh Government)⁶, plus travel, subsistence, and administration costs incurred by the Inspectors. Any work carried out by an Inspector that falls above or below a standard day will be charged at an hourly rate, calculated on a pro rata basis from the Standard Daily Amount. Where more than one Inspector is appointed we aim to ensure there is minimal duplication of effort. Where work is necessarily duplicated, the LPA will only be charged for the work of the lead Inspector.
- 4.2. The cost of work undertaken by Planning Officers will be based on the 'Planning Officer' rate published by Welsh Government⁷, plus travel and subsistence costs incurred by the Planning Officers. Any work carried out by a Planning Officer that falls above or below a standard day will be charged at an hourly rate, calculated on a pro rata basis from the published rate. The cost of any specialist adviser appointed to assist the Inspector, which may exceed the Standard Daily Amount set out in the SI, will be passed on direct to the LPA.
- 4.3. In the event of the withdrawal of a Plan, at any stage, the LPA will bear the full liability for the costs incurred up to the point of withdrawal.
- 4.4. **The PLANNING INSPECTORATE will:**
 - a. send the LPA an invoice on a monthly basis to cover the cost of work during that month.
- 4.5. **The LPA will:**
 - a. pay any invoices received from the Planning Inspectorate to the LPA within **28 days** of its receipt by the LPA.

⁶[The Local Inquiries and Qualifying Procedures \(Standard Daily Amount\) \(Wales\) Regulations 2017](#)

⁷[Standard Daily Amounts Table](#) – Current 'Planning Officer' rate is £312 / day, as at 21 June 2017

5. THE PRE-HEARING PROCESS

5.1. The PLANNING INSPECTORATE will:

- a. set out the procedure for the hearing part of the examination and the timetable for submission and any further evidence requested by the Inspector;
- b. if necessary, postpone the opening of any hearing part of the examination where the LPA has failed to make the provisions required under paragraph 5.2, or where any issue(s) identified by the Inspector on the LDP warrant a postponement; and
- c. conduct the examination in accordance with the principles established at the Pre-Hearing Meeting, if one is held.

5.2. The LPA will:

- a. ensure all procedural requirements as described in the Regulations have been met;
- b. confirm that the deposit LDP, as consulted upon under Regulation 17, is the document to be subject to independent examination; or, if any focussed changes are proposed, confirm that the deposit LDP incorporating focussed changes is the document to be subject to independent examination; and
- c. at least two weeks prior to the PHM, provide the Inspector with any updates of the information provided for examination as described in paragraph 2.2.

6. HEARINGS PART OF EXAMINATION

6.1. The PLANNING INSPECTORATE will:

- a. ensure any hearing part of the examination will commence no later than 6 months after submission, subject to the LPA carrying out the requirements set out in paragraph 2.2 and 6.2.

6.2. The LPA will:

- a. provide accommodation and facilities for the hearing part of the examination including separate working accommodation for the Inspector; and
- b. arrange car parking facilities for the Inspector, if possible and requested to do so, where the use of public transport is not practicable.

7. THE INSPECTOR'S REPORT

7.1. The PLANNING INSPECTORATE will:

- a. advise the LPA of the estimated date for the delivery of the report to the LPA, at the end of the last session of any hearing part of the examination (any change to the estimated date to be confirmed with the LPA in writing);
- b. send the Inspector's draft report on the soundness of the LDP to the LPA allowing 10 working days for fact checking. The report will not refer in detail to the cases for the LPA or the person(s) making representations;

- c. where required, arrange for the final report to be translated, including a disclaimer stating that any issues relating to the content of the Welsh language version of the report (including any apparent differences between it and the English version, which is the original) should be addressed to the LPA; and
- d. provide the final report to the LPA within 10 working days of receipt of the LPA's fact check comments.

7.2. The LPA will:

- a. seek correction of errors on matters of fact or seek clarification on elements of the draft report within 10 working days of its receipt;
- b. on receipt of the final report, inform the Inspectorate of the likely adoption date of the LDP;
- c. notify the Planning Inspectorate of the publication of the final report;
- d. on adoption of the LDP, notify the Planning Inspectorate immediately.

SIGNED FOR THE LOCAL PLANNING AUTHORITY:

Name: _____ Date: _____

Position: _____

SIGNED FOR THE PLANNING INSPECTORATE:

Name: _____ Date: _____

Position: _____

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.