

Gedling Local Planning Document Part 2 Local Plan (the Plan)

INSPECTOR'S EXAMINATION GUIDANCE NOTE

Note - This guidance should be kept for reference throughout the Examination. It should be read in conjunction with **Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016 (4th Edition v.1)** [available at <https://www.gov.uk> or from the Programme Officer] and with the attached **Draft Schedule of Matters for Discussion and Outline Programme of Hearings** [EX/19].

Document References in [square brackets] are to the **Examination Library List** which can be viewed on the Examination web page or obtained from the Programme Officer.

Items in bold italics are for particular note or action.

Key Dates:

Advise Programme Officer of Participation	<i>Friday 30 December 2016</i>
Submission of a Hearing Position Statement (optional)	
For Week 1 by the end of	<i>Tuesday 17 January 2017</i>
For Week 2 by the end of	<i>Monday 6 February 2017</i>
For Week 3 by the end of	<i>Tuesday 28 February 2017</i>
Opening of Hearing Sessions	<i>Tuesday 7 February 2017</i>

Purpose of the Guidance Note

1. This note provides guidance to participants on the procedural and administrative arrangements for the Examination.

Dates for Hearing Sessions

2. The Hearing sessions (which are part of the Examination) will start on ***Tuesday 7 February 2017*** and will last for around 9 days. They will be held at:

Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU.

3. A document is available with this note which comprises:

Draft Schedule of Matters for Discussion – this sets out the Matters, Issues and Questions for discussion at the Hearings.

Draft Hearing Timetable – this sets out the issues to be discussed at each Hearing session. Details may change.

The Inspector's Role in the Examination

4. I have been appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Plan and whether it meets the

requirements of the Planning and Compulsory Purchase Act and associated Regulations. The Plan to be examined comprises the *Publication Draft* of May 2016.

5. The *National Planning Policy Framework* (DCLG, March 2012) <http://planningguidance.planningportal.gov.uk/blog/policy/> sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.
6. There are three possible outcomes to the Examination:
 - the submitted Plan is sound;
 - the submitted Plan is not sound but could be made sound by changes (known as *Main Modifications*), if necessary following additional work; or,
 - the submitted plan is not sound and could not be made sound by changes.
7. Following the close of the Hearings I will prepare a Report to the Council with my conclusions. The Council has formally requested that I recommend any *Main Modifications* necessary to make the plan sound.¹
8. I will deal with broad issues in my Report rather than specifically with each individual representation.

Changes to the Plan

9. The starting point is that the Council has submitted a Local Plan which it considers is ready for Examination. At this stage there are only two means by which changes can be made to the submitted Plan:
 - (1) *Main Modifications* recommended by the Inspector; and,
 - (2) *Additional Modifications* made by the Council on adoption.
10. However, I can only recommend *Main Modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.² *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 consultation and in some cases further Sustainability Appraisal might also be needed.
11. *Additional Modifications* are those changes which do not materially affect the policies in the Plan.³ They are made by the Council on adoption and are also sometimes referred to as *Minor Modifications*.⁴ The Council is accountable for any such changes and they do not fall within the scope of the Examination.⁵

Modifications Proposed by the Council

12. The Council has proposed a number of changes to the Plan, Schedule of Changes to Local Planning Document Publication Draft, October 2016 [LPD/REG/05],

¹ Letter from the Council dated ...

² Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

³ S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

⁴ For example in *Examining Local Plans Procedural Practice*

⁵ 2.4 & 4.7 of *Examining Local Plans Procedural Practice*

Revised Schedule of Changes to Local Planning Document Publication Draft, December 2016 [EX/10a], and Schedule of Changes made Post-Submission to Local Planning Document Publication Draft, December 2016 [EX/09a]. The Council has asked if I can consider these changes as Main Modifications to the Plan. As noted above I would only be able to recommend *Main Modifications* if they are necessary to make the Plan sound.

13. Your attention is drawn to MM63, MM64 and MM65 which each propose an additional appendix to the Plan in respect of the provision of affordable housing on both allocated and unallocated sites and the requirement for parking provision for residential and non-residential developments respectively. Although not part of the formal consultation process which, along with the other *Main Modifications*, would take place following receipt of my Report, interested parties may make comments on MM63, MM64 and MM65 either in writing or during the appropriate Hearing Sessions. Please notify the PO by **Friday 30 December 2016** if you intend to comment on these Main Modifications.
14. It is possible that further changes may be proposed during the Hearing sessions and I will ask the Council to keep an up to date schedule of all Main Modifications during the Examination.

Scope for Modification – Alternative or ‘Omission’ Sites

15. It is **not** for the Inspector to seek to improve the Plan or make it ‘more sound’. I will make recommendations for *Main Modifications* only where necessary to ensure soundness.
16. There will accordingly be no oral sessions on ‘omission sites’. It is not for the Inspector to recommend specific alternative sites. In the event that the Plan were to be found unsound with the sites it allocates, the Council would be asked to consider and propose additional or alternative sites as *Main Modifications* to the Plan for further consultation.
17. Nevertheless, Representors promoting sites not allocated in the Plan have a right to be heard in support of a duly made objection. However, an objection to the ‘omission’ of a site is, in effect, an objection to the site selection process, or the Plan requirement, or the deliverability of development land or the Plan strategy and will be redirected and heard, as such, in the appropriate sessions reserved for those issues or, if necessary, in a general session.

The Programme Officer

18. The Programme Officer (the PO) for the Examination is Carmel Edwards. Carmel is working under my direction and is independent of the Council. She can be contacted as follows:
19.
Ms Carmel Edwards
Local Plan Programme Officer

c/o Gedling Borough Council,
Civic Centre,
Arnot Hill Park,
Arnold,
Nottingham
NG5 6LU

20. 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 run the Examination Library.
21. Copies of Examination documents can be found on the Council web site at <http://www.gedling.gov.uk/lpdexamination>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
22. Any procedural questions or other matters that you wish to raise with me prior to the Hearing sessions should be made through the PO.

Progressing your Representations on the Plan

23. Only those seeking to change the plan have a right to participate in the Hearing sessions.⁶ However, the sessions are open for anyone to observe.
24. Those who have made representations will by now have 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 to participate in the discussion.
25. Before deciding whether to appear, Representors should study the Report of Responses (October 2016) [Document LPD/REG/04], together with the Revised Schedule of Changes to Local Planning Document Publication Draft, December 2016 [EX/10], and the Schedule of Changes made Post-Submission to Local Planning Document Publication Draft, December 2016 [EX/09], to note how the Council may have dealt with their concerns. The Council has also prepared a Tracked Changes Version of the Local Planning Document Publication Draft (Part 2 Local Plan) October 2016 [Document LPD/REG/06], which incorporates the proposed Main Modifications. The Council intends to keep this document up to date throughout the Examination process.
26. The ***Draft Schedule of Matters for Discussion*** accompanying this note will form the basis of the discussion at the Hearing sessions. If you have any comments on this list (for example, because you feel there may be a significant omission), you should contact the PO by the end of ***Friday 23 December 2016***.
27. The ***Draft Hearing timetable*** includes a draft list of Matters for discussion at each session. All representations will be taken into account, whether or not you participate at the Hearings. In order that the timetable can be finalised, those Representors wishing to take part in the discussions should contact the PO by the end of ***Friday 30 December 2016*** stating your intention to appear and on which Matter(s) you wish to speak, including, if possible, which issue(s), is of interest.

⁶ S20(6) of the PCPA 2004

28. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. The PO will assist in such arrangements.
29. A final version of the **Hearing Timetable** will be published on the Examination web site around two weeks before the start of the Hearings. It will be for individual participants to check the progress of the Hearings, either on the web site or with the PO, and to ensure that they are present at the right time. I will issue an Agenda to structure the discussion at each Hearing, normally shortly before the date that the Hearing is due to take place. These will often identify which speaker may be invited to open discussion on any given points.
30. ***Where Representors have raised a matter of soundness not identified by the Inspector but still wish to appear, a suitable item will be added to an appropriate Hearing session.*** If any Representor considers that an additional item is required, this should be raised with the PO at the earliest opportunity.

The Hearing Sessions

31. 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. There will be a lot to cover and all contributions should be focussed.
32. The Hearing sessions will begin at **1000hrs** on **Tuesday 7 February 2017** and will normally run between 1000hrs and 1300hrs and 1400hrs and 1700hrs each day. A short break will usually be taken mid-morning and mid-afternoon.
33. ***When invited to take part in a Hearing session, participants on arrival are asked to find their nameplate and take their place at the table. During the discussion, the nameplate can be stood on end to indicate a wish to speak. Only one seat is provided per Representor but participants may change round during the proceedings according to their subject of interest. In view of their particular position in covering the whole Plan, two or sometimes more Council representatives may sit at the table, depending on the subject under discussion.***
34. ***Representors are requested to keep in touch with the PO or the Council Examination web page regarding the programme, which may be subject to change.***
35. Please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the Hearing sessions.
36. Members of the public not involved in the Hearings may of course attend to observe.

Hearing Position Statements

37. Whilst original consultation responses were made and summarised generally on a policy by policy basis, the programme of Hearings will be arranged over a series of main issues and matters for discussion which, invariably, range over several sections and policies of the Plan document.
38. Accordingly, in order to assist all participants preparing for the Hearings and to

facilitate focussed discussion, the Council and all Representors scheduled to appear are invited to submit a **Hearing Position Statement** for each matter they are invited to discuss. The **Hearing Position Statements** for Week 1 should be sent to the PO **no later than 3 weeks before the first Hearing**, setting out in a **strict maximum of 3,000 words per Matter** the Council's or the Representor's position on the issues of concern. (See para. 45 for staggered deadlines).

39. The submission of a **Hearing Position Statement must not be taken as an opportunity to submit new responses or fresh evidence and it must not be accompanied by any appendices**. Reliance must be placed essentially on the original response to the Publication Draft of the Plan, which is taken as the complete case for the Representor. Statements should:
- only answer the specific questions which are of relevance to the original representation;
 - clearly identify the number(s) of the question(s) being answered;
 - state whether any of the Council's *proposed Main Modifications* or *Additional Modifications* would resolve the concerns and make the Plan sound; and,
 - indicate whether any other changes are needed to make the Plan sound (providing detailed suggested wording for the change and if appropriate, any changes sought to the Policies Map)
40. **Hearing Position Statements will only be accepted if they bear the name of the Representor and the Hearing to which they relate and are printable on A4 paper format. They will not be accepted with special title sheets or binding.**
41. The **Hearing Position Statement** should make cross reference to the original response. **Such cross reference should be by Representation Number with reference to the Examination database held by the PO**. Alternatively, Representors may choose to rely entirely upon their original response, the preparation of a statement is not a requirement.
42. The Council should produce a Hearing Statement for each of the matters. In doing so, they should answer each of the individual questions set out in the **Draft Schedule of Matters for Discussion**. However, there is no need to repeat answers already provided in response to my *Initial Questions* (a cross reference will be enough).
43. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper. Please contact the PO to discuss this.
44. In preparing statements you should be aware of my Initial Questions to the Council and the Council's subsequent responses available on the Examination page of the web site [EX/01, EX/02, EX/07 and EX/08].
45. Three paper copies and an electronic version of each **Hearing Position Statement** should be submitted to the PO as follows:

For Week 1 by the end of **Tuesday 17 January 2017**

For Week 2 by the end of **Monday 6 February 2017**

For Week 3 by the end of **Tuesday 28 February 2017**

Unless there are exceptional circumstances it is likely that late submissions will

not be accepted.

46. **Hearing Position Statements** will be posted on the Examination web page, 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.
47. Aside from these **Hearing Position Statements** no other written evidence will be accepted, unless I specifically request it. The Hearing sessions should not be used to introduce new evidence or arguments.

The Examination Library

48. The Council has prepared an online Examination Library which can be found on the Council web site at <http://www.gedling.gov.uk/lpdexamination/examinationlibrary>
49. This contains the Council's evidence and documents which have been produced during the Examination. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to Hearing Position Statements as they are already Examination documents.

Site Visits and Close of the Examination

50. 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 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.
51. The Examination will remain open until my Report has been submitted to the Council. However, I will not accept any further representations or evidence after the Hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

Further information

52. Further information about the preparation and Examination of Local Plans can be found in the national *Planning Practice Guidance* <http://planningguidance.planningportal.gov.uk/> and the Planning Inspectorate's *Procedural Practice in the Examination of Local Plans – June 2016 (4th Edition v.1)* http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

Karen L Baker

INSPECTOR

16 December 2016