

WEALDEN DISTRICT COUNCIL
WEALDEN LOCAL PLAN EXAMINATION
Inspector: Miss Louise Nurser BA (Hons) Dip UP MRTPI

EXAMINATION HEARINGS

GUIDANCE NOTE FROM THE INSPECTOR

As part of the examination of the Wealden Local Plan, Stage 1 of the hearings will open on Tuesday 21 May 2019.

Given the strategic nature of the plan, together with the potential significance of matters raised through the Regulation 19 consultation, I am minded to carry out the hearing sessions in stages. Following Stage 1 of the hearings, if I conclude that the plan is likely to be capable of being found sound and legally compliant in relation to the matters covered (having regard to the potential for me to recommend main modifications), the Examination will proceed to Stage 2 of the examination of the Plan which will take place at a date, as yet to be confirmed. This later stage of the examination will be the subject of further Matters Issues and Questions (MIQs). These will address, amongst other matters, issues relating to development management policies and specific housing and employment allocations.

PLEASE NOTE: The Wealden Local Plan was submitted to the Planning Inspectorate for examination on 18 January 2019. Paragraph 214 of the revised National Planning Policy Framework makes clear that the policies of the previous Framework will apply for the purposes of examining plans submitted on or before 24 January 2019.

Therefore, the transitional arrangements apply to this examination. Please make sure that all documentation refers to the 2012 version of the Framework and associated Planning Practice Guidance.

Purpose of the Briefing Note

- This note provides guidance to participants on the procedural and administrative arrangements for the Wealden Local Plan Examination.

The Programme Officer

- Mrs. Lynette Benton, the Programme Officer [PO], is responsible for the administration of the Examination. This includes ensuring that all Examination documents are made available to participants and organising the hearings programme. Lynette works under my direction. She is not an employee of the Council. Her contact details appear at the foot of this page. Any procedural questions or other matters that you wish to raise should be directed to Mrs Benton.

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The Examination webpage

- There is a dedicated Examination webpage which can be accessed via the following link:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Wealden_Local_Plan/Wealden_Local_Plan_Examination.aspx

- All the material produced for the examination hearings will appear on the webpage. If you do not have access to the internet, documents and other information can be obtained via the Programme Officer.

The Inspector's role

- My name is Louise Nurser BA (Hons) Dip UP, MRTPI. I have been appointed by the Secretary of State for Communities and Local Government. The purpose of the examination is to consider whether the Plan complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound the Plan must be:
 - (a) **Positively prepared** - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - (b) **Justified** - the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - (c) **Effective** - deliverable over its period and based on effective joint working; **and**
 - (d) **Consistent with national policy** - able to achieve sustainable development in accordance with the NPPF's policies.
- 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;
 - The submitted plan is not sound and could not be made sound by changes.
- Following the close of the hearings I will prepare report to the Council with my conclusions. My report will deal with broad issues rather than individual representations.

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Changes to the plan

- The starting point is that the Council has submitted a local plan which it considers is ready for examination. There are only two means by which changes can be made to the submitted plan:
 - (1) *main modifications* recommended by the Inspector
 - (2) *additional modifications* made by the Council on adoption.
- The Council, and other interested parties, will have the opportunity to put forward suggested changes to the submitted Local Plan during the examination in order to address matters of soundness or legal compliance. I will take these suggestions into account.
- 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 compliant¹. 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.
- ‘Additional modifications’ are those changes which do not materially affect the policies in the Plan². They are made by the Council on adoption and are also sometimes referred to as ‘minor modifications.’³. The Council is accountable for any such changes and they do not fall within the scope of the examination⁴ and will not fall within the scope of my report which I will submit at the end of the examination process.

Modifications proposed by the Council

- I am aware that the Council has prepared a number of pre -submission changes to the plan which are available on the examination website. As noted above I would only be able to recommend *main modifications* if they are necessary to make the plan sound. *Additional modifications* are a matter

¹ Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

² S23(3)(b) of the PCPA 2004 “... if the additional modifications (taken together) do not materially affect the policies ...”

³ For example in *Examining Local Plans Procedural Practice*

⁴ 2.4 & 4.7 of *Examining Local Plans Procedural Practice*

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for the Council on adoption. It is possible that additional changes may be proposed during the hearing sessions. Therefore, following the completion of the hearing sessions a number of *main modifications* may be consulted upon.

Representations on the Plan

- The Council's statements on the representations made on the published plan, and all the representations are available on the examination webpage.

Attending the hearing sessions

- 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 **at this point**, if you wish to participate in the discussion which relates to the particular **Stage 1** Matters, Issues and Questions which are published alongside these guidance notes.
- This is Stage 1 of my examination of the Plan. If your representation concerns one or more of the allocated employment, housing or mixed use sites, or other matters which I have not specifically referred to within my published MIQs, it is likely that it will be more appropriate for you to take part at a subsequent hearing session, at Stage 2 of the examination, details of which will be made available on the web site. If you have any queries as to which stage of the Examination your representation relates to, please contact the PO.
- The hearing sessions are open to all to observe. However, **only** those who are proposing changes to the Plan in order to make it sound or legally compliant have the right to participate and speak.
- Nonetheless, I may wish to invite a small number of additional participants to attend the hearings. This would be where their representations are of particular relevance to the matters under discussion, and their attendance would of help to me in my consideration of these issues.

The hearings programme

- The list of Matters, Issues and Questions accompanying this note will form the basis of the discussion at Stage 1 of the hearing sessions.

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- A draft timetable for the hearing sessions has been produced and circulated with these guidance notes. It may be that the detailed timetable will change closer to the start of the hearing sessions. Whilst the Programme Officer will endeavour to keep people informed, it is the participants' responsibility to keep in contact and ensure that they attend the appropriate sessions. The participants for each session will be those who **have already made relevant representations on the Submission Local Plan** and have confirmed to the Programme Officer that they wish to speak.
- All those who wish to speak at the hearing sessions should confirm this in writing with the Programme Officer by **5.00pm on Tuesday 23 April 2019**, stating which session or sessions they wish to speak at (referring to the Matter number and quoting the respondent ref. no.). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the **Stage 1 hearings**. The finalised timetable and list of participants will be confirmed before the hearing sessions commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.
- 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.**

Format of the hearing sessions

- Each hearing session will consist of a structured discussion. This will be led by me. It will be based on my list of matters, issues and questions. I will invite particular participants to begin the discussion on each question, and others will then have a chance to contribute.
- There is no need for formal presentation of evidence, as I will have read all the relevant representations and hearing statements beforehand and will expect all the other participants to have done so as well. Nor will there be any cross-examination, unless I consider it necessary to deal with a particular issue or questions. Barristers, or solicitors, if present, will be treated as part of the respective team.
- Morning and all-day sessions will normally start at 10 am, and afternoon sessions at 2.00pm. Short breaks will be taken at convenient points in the

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mid-morning and mid-afternoon, and there will be a lunch break at about 1.00pm. The sessions will usually finish by 5:00 pm although they may continue later if necessary.

The Hearings will take place at East Sussex National Hotel, Little Horsted, Uckfield, TN22 5ES.

Please see separate information on how to get there.

Hearing statements

- Oral and written representations carry equal weight, and there is no need for participants to submit an additional hearing statement if they are content that their original representations adequately cover the issues and questions they are concerned about.
- If participants do wish to produce hearing statements to supplement their original representations, for each matter they should be limited to:
 - (i) the issues and questions identified in the Inspector's Matters, Issues and Questions document which are relevant to their original representations, and
 - (ii) any new matters that have arisen since the original representations were submitted.
- Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper. Please contact the Programme Officer to discuss.
- **Statements should be no longer than is necessary to deal with their subject matter, and in any event must contain no more than 3,000 words.** This limit will be strictly applied.
- Within this limit, they should be kept as short as possible. Appendices should only be included where directly relevant and necessary and should also be as succinct as possible. As such, the appendices should be presented in a way that the relevant text, table, figure or map is obvious to all, and clearly referenced.
- Statements should be stapled rather than bound. In addition, they should:
 - only answer the specific questions which are of relevance to the original representation

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- 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
- 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).

- The Council should produce a hearing statement for each of the issues. In doing so, they should answer each of the individual questions set out in the Issues and Questions, either directly or by referring to relevant evidence already submitted. Because of this requirement, the Council's statements are not subject to the **3,000 word limit, but they should still be focussed and succinct.**

- Four paper copies and an electronic version of each hearing statement should be submitted to the PO by 5 pm on **Tuesday 7 May 2019**. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.

- Aside from these hearing 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. Otherwise statements will be returned.

- 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 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.

Statements of Common Ground

- Statements of Common Ground, agreed between two or more hearing participants, will be very welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearing to concentrate on the key issues set out in my MIQs that need further discussion. At the very latest, any Statements of Common Ground should be submitted by 5 pm on **Tuesday 7 May 2019** or earlier with the issue to which they are relevant.

Site Visits

- I have already familiarised myself with the area and will visit key sites and key locations, appropriate to Stage 1 of the examination. It is envisaged that

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my visits will be on an unaccompanied basis. If there is need to make a visit accompanied by the Council and other interested parties, arrangements will be made via the Programme Officer.

Further information

- 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* <http://www.planningportal.gov.uk/planning/appeals/planninginspectorate> *Examining Local Plans Documents: Procedural Practice – 23 June 2016* http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf.

Summary/ key points

- The Matters and Issues Paper Stage 1 sets out the key questions which I will be considering.
- The hearing sessions will start on **Tuesday 21 May 2019 at 10 am.**
- A draft timetable for the hearing sessions has been published.
- Participants at the hearings will be confirmed in due course.
- All of those, who **have previously submitted a relevant representation to the Plan**, wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by 5.00pm on **Tuesday 23 April 2019.**
- Statements for the hearing sessions should be based on the Matters and Issues Paper and must be submitted to the Programme Officer by 5.00pm on **Tuesday 7 May 2019.**
- All documentation relevant to the examination is available on the Council's website.
- Any queries should be directed to the Programme Officer – Lynette Benton

Louise Nurser
INSPECTOR

9 April 2019