

INDEPENDENT EXAMINATION OF THE CHELMSFORD DRAFT LOCAL PLAN

EXAMINATION GUIDANCE NOTE

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INTRODUCTION

1. I am the Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the legal compliance and soundness of the Chelmsford Draft Local Plan. This note provides guidance to participants on the procedural and administrative arrangements for the hearing sessions as part of the examination.
2. The examination hearing sessions will commence at **10:00** on **Tuesday 20 November 2018** in the Council Chamber, Civic Centre, Duke Street, Chelmsford CM1 1JE. All other sessions will commence at either 09:30 or 14:00 on each day.
3. The following documents are also available:
 - ***A draft hearing timetable for all hearing sessions*** which sets out the matters to be discussed on each day. This is the first version and details may change.
 - ***Inspector's Matters, Issues and Questions (MIQs) for each week of the hearing sessions.*** These will form the basis for the discussions.

PROGRAMME OFFICER

4. Andrea Copsey is the Programme Officer and is responsible for the administration of the examination. She is impartial, is not an employee of the Council and works under my direction. Her role includes liaising with all parties to ensure the smooth running of the examination, managing the availability of examination documents and the library and acting as the main point of contact for all procedural and administrative matters. The Programme Officer's contact details are as above.
5. All programming queries, practical and procedural points should be addressed to the Programme Officer. She will pass them on to me for a reply, if necessary, but carries her own authority to act in accordance with the Regulations.

6. Copies of all examination documents are available to view on the examination website. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be made for viewing documents.

SCOPE OF THE EXAMINATION AND INSPECTOR'S ROLE

7. My role is to assess whether the Plan has been prepared in accordance with legal and procedural requirements and assess whether it is sound. The purpose of the hearings is to focus on the main issues for discussion, to enable me to obtain the information I need to come to a conclusion on such matters.
8. The Government published its revised National Planning Policy Framework (the Framework) in July 2018. Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised Framework, the policies in the previous version of the Framework published in 2012 will continue to apply, as will any previous guidance which has been superseded since the new Framework was published in July 2018. Accordingly any references within this note and my MIQs to the Framework or national guidance, refers to the previous versions.
9. As set out in the Framework, assessing soundness involves determining whether the Plan is:
 - **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified** – the most appropriate strategy when considered against the alternatives, based on proportionate evidence;
 - **Effective** – deliverable over the Plan period and based on effective joint working; and
 - **Consistent with national policy** – to enable the delivery of sustainable development in accordance with the policies in the Framework.
10. My starting point for the examination is that the Council has submitted a Plan which they consider is sound and legally compliant. I will therefore be considering whether the policies and site allocations within the Plan comply with the requirements. I will not therefore be considering the merits of any alternative or omission sites. In the event that in the course of the examination there appears to be a need for additional development sites to be allocated, it will be a matter for me to raise with the Council to ascertain what it would propose in order to meet such a need.
11. Those seeking changes must therefore demonstrate why the submitted Plan does not meet the above criteria, rather than just highlight an alternative or omission site.
12. There are two ways by which changes can be made to the submitted plans:
 - (a) *Main modifications* which are recommended by an Inspector; and
 - (b) *Additional modifications* (often called *minor modifications*) which can be made by the Council.

13. 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. *Main modifications* are changes which alone or in combination with others, would materially alter the Plan or policies and must be subject to consultation.
14. *Additional modifications* are those changes which do not materially affect the policies in the Plan.
15. The Council has published a Schedule of Additional Changes (SD002) and a Schedule of Minor Changes (SD003) which it intends to incorporate into the Plan. As part of the examination it will be necessary for me to consider whether any such changes are necessary for reasons of legal compliance or soundness and should therefore be *main modifications*.

THE HEARING SESSIONS

Format

16. Except for the first day which starts at 10:00, the morning hearing sessions will commence at 09:30 as set out on the programme. Each morning session will finish around 13:00 on each day unless stated otherwise during the hearings. The afternoon sessions will commence at 14:00 and finish at around 17:00 each day unless stated otherwise during the hearings. Lunch will normally be between 13:00 and 14:00 and there will be short breaks mid-morning and mid-afternoon as appropriate on each day.
17. The hearings will be in the form of structured round table discussions which I shall lead. There will be no formal presentation of evidence or cross-examination. Barristers and solicitors, if present, will be treated as part of the respective organisation or team.
18. The discussion will focus on the issues in the programme together with any additional points or supplementary questions I wish to ask arising from any further written statements.
19. The hearings programme is currently in draft form and may be subject to change. The final version will be issued shortly before the hearings and this version will include a list of participants invited to attend each session.
20. Only those who have made representations within the prescribed time periods and seek changes to the Plan in relation to the issues to be discussed, have a right to be invited to and participate in relevant hearing sessions. However the sessions are open for anyone to observe including those supporting the plan.
21. If you made representations to the Regulation 19 consultation (31 January 2018 to 14 March 2018) in which you requested both changes to the Plan and to be heard, and you still wish to participate at the hearings, and your representations are relevant to my **matters, issues and questions (MIQs)**, please contact the Programme Officer as soon as possible and by **midday on 5 November 2018 for Week 2, Week 3 by midday on 12th November** at the latest, to confirm your attendance. Any party who fails to register or confirm their wish to appear on or before that date may not be included in the programme for the hearings. Please also let the Programme

Officer know if any adjustments or arrangements need to be made to facilitate your attendance.

22. Please note that I will have equal regard to views put at the hearings and those set out in writing. Attendance at a hearing session is not compulsory and will only be useful and helpful to me if participants can engage in a debate and focus on my main issues.

23. Please remember that when hearings are in session all mobile phones and similar devices must be switched off or on silent.

Further written statements

24. My list of MIQs will form the basis for discussion at the hearing sessions. As participants should have already set out their full cases within their existing representations there should ordinarily be no need for the production of further written statements in response to the MIQs.

25. However if participants do wish to produce further written hearing statements to supplement their original representations, they should be limited to the issues and questions set out in the MIQs and be relevant to their original representation or relate to new evidence that has arisen since the submission of original representations. In any case statements must not repeat what is in previous representations as these will be taken into account.

26. As the examination documents are available on the internet, participants should not attach extracts of these documents to any statements. However it would be useful within any statements when referring to any of these documents, to include the examination document number and page numbers where possible.

27. To assist the conduct of the hearings, any additional statements produced by participants should please accord with the following guidelines:

- Separate statements should be produced for each matter/main issue.
- Statements should be succinct, to the point and no longer than 3000 words long for each main issue. It is the quality of the reasoning that carries weight, not the scale of the documents.
- Statements should be produced in A4 format where possible. Paper versions should be bound or stapled. Any A3 tables/plans/diagrams should be folded to A4.
- Appendices are not included in the word limit but these should only be submitted if they are absolutely essential and appropriate references should be made to the parts that are being relied on.
- All statements must be received by the deadline imposed. Late submissions are unlikely to be accepted.

28. Please note that any statements that are of excessive length and/or contain irrelevant or repetitious material may be returned.

29. Unlike other participants, the Councils are required to respond to each matter, issue and question and therefore the 3,000 word limit does not apply to them. However any statements should still be as succinct as possible.

References to existing evidence should be used wherever possible to avoid repetition.

30. An electronic version and **three paper copies** of any further statements for **Week 1** hearing sessions, including those from the Council, should be sent to the Programme Officer to arrive **no later than 12 noon on Friday 9 November 2018**. **Week 2** hearing sessions, including those from the Council, should be sent to the Programme Officer to arrive **no later than 12 noon on Friday 16 November 2018**.
31. An electronic version and **three paper copies** of any further statements for **Week 3** hearing sessions, including those from the Council, should be sent to the Programme Officer to arrive **no later than 12 noon on Friday 23 November 2018**.

STATEMENTS OF COMMON GROUND

32. The Councils have produced several statements of common ground with some representors to assist the examination process. These and any other statements of common ground should be submitted to the Programme Officer as soon as they are produced and to arrive **no later than one week before the relevant hearing session**. As above this should include an electronic version and three paper copies.

SITE VISITS

33. Insofar as I consider it necessary for my consideration of the soundness of the plan I shall visit relevant sites and areas before, during or after the hearing sessions. I will do these unaccompanied by any parties to the examination, unless access to private land is necessary.

CLOSE OF THE EXAMINATION

34. Following the hearing sessions the examination will remain open until my report is submitted to the Councils. However I will not accept any further representations or evidence from any party during this time, unless I have specifically requested it.

FURTHER INFORMATION

35. Further information about the preparation and examination of Local Plans can be found using the following links:

- The National Planning Policy Framework available at <https://www.gov.uk/guidance/national-planning-policy-framework>
- The national *Planning Practice Guidance* available at <https://www.gov.uk/government/collections/planning-practice-guidance>, and
- The Planning Inspectorate's *Examining Local Plans Documents: Procedural Practice – June 2016 (4th edition v.1)* available at:

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

Yvonne Wright

INSPECTOR