

THE HART DISTRICT COUNCIL LOCAL PLAN: STRATEGY AND SITES (2016 – 2032)

EXAMINATION GUIDANCE NOTE

Purpose of the guidance note

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

Dates for the hearing sessions

2. The hearing sessions (which are part of the examination) will start on Tuesday 20 November 2018 and are anticipated to last for **8 days**. They will be held at: Hart District Council, Harlington Way, Fleet, GU51 4AE.
3. Two documents are available with this note:

Matters and Issues for the examination. These will form the basis of the discussions at the hearing sessions.

Draft Hearing Programme – this sets out the matters and issues to be discussed at each hearing session. Please note details may change, so please check the Examination website regularly.

<https://www.hart.gov.uk/local-plan-examination-2018>

The Inspector's role in the examination

4. The examination began on 18 June 2018 when the Council submitted the Plan and the other submission documents. I (**Jonathan Manning** BSc (Hons) MA MRTPI) have been appointed by the Secretary of State for Ministry of Housing, 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.
5. I am treating the submission Plan as examination document 'CD1'. The Council have also proposed some additional modifications ('CD11'), which I am not treating as part of the submission Plan, but these will be discussed at the hearing sessions.
6. Given the transitional arrangements in place, I will be considering the Plan against the National Planning Policy Framework (2012), which sets out the criteria for determining the soundness of the Hart District Council Local Plan: Strategy and Sites. Namely that the plan is positively prepared, justified, effective and consistent with national policy. 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
7. Following the close of the hearing sessions, I will prepare a report to the Council

with my conclusions. The Council may formally request that I recommend any main modifications necessary to make the Plan sound.

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 Plan that they consider is sound and 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
 - (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.¹ 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.² They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' The Council is accountable for any such changes and they do not fall within the scope of the examination.

The programme officer

12. The Programme Officer (the PO) for the examination is Ian Kemp. Ian is working under my direction and is independent of the Council. He can be contacted as follows:

Ian Kemp
16 Cross Furlong
Wychbold
Droitwich Spa
Worcestershire
WR9 7TA

DD: 01527 861 711
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13. The main tasks of the PO is 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.
14. Copies of examination documents can be found on the examination web site:

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 ..."

15. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in place.
16. 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

17. Only those seeking to change the plan have a right to participate in the hearing sessions.³ However, the hearing sessions are open for anyone to observe.
18. The list of ***Matters and Issues*** accompanying this note will form the basis of the discussions 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 **21 September 2018**.
19. The draft ***Hearing Programme*** accompanying this note shows the anticipated timetable for the discussion of the *Matters and Issues* at the hearing sessions. Irrespective of any previous indications provided when submitting representations, should you wish to participate in any of the hearing sessions identified in the hearing programme, you must inform the PO of your intention to do so by **25 October 2018**. Please make clear to the PO under which *Matters and Issues* you wish to appear.
20. For those who may be unsure whether they should attend the hearing sessions and give oral evidence, I shall give equal weight to both oral evidence and written representations already provided or submitted within a written statement replying to the *Matters and Issues*. Attendance at a hearing session will only be useful and helpful to me if you wish to participate in the discussion. You will all be there to help me, so you may be asked to comment on things that are not directly related to your own written submissions. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. Please discuss this with the PO. I may also specifically invite participants to particular sessions if I think that would assist the examination.
21. A final version of the *Hearing Programme*, with participants listed for each session will be published on the examination website around a week before the start of the hearing sessions. It will be for individual participants to check the progress of the hearing sessions, either on the website or with the PO, and to ensure that they are present at the right time. Please note that the hearing programme may be subject to change.

Hearing sessions

22. Each *Matter* will be the subject of a separate session. The hearing sessions will take the form of a structured (but informal) 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 concise and focused.

³ S20(6) of the PCPA 2004

23. The hearing sessions will normally run between 09:30 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. No new session (*Matter*) will begin before its stated start time set out in the final *Hearing Programme*, but a later start may be unavoidable if a previous session (*Matter*) has overrun. Included in the *Hearing Programme* are two reserve sessions on the **13th December 2018** in case the discussions for a session(s) cannot be completed in the set time. It is essential that all participants ensure that they are able to attend the reserve sessions in case their relevant hearing session over runs.
24. 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.

Hearing statements

25. 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 list of *Issues*. Those who made representations at the pre-submission stage may also submit written statements on the *Matters and Issues*. However, the preparation of a written statement is not a requirement.
26. Hearing statements from those who made representations should be a maximum of 3000 words for each *Matter*. 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. Statements should be stapled rather than bound. In addition, they should:
 - only cover one Matter per statement. If multiple matters are being addressed, separate submissions should be made for each Matter.
 - only answer the specific questions which are of relevance to the original representation
 - clearly identify the number(s) of the question(s) being answered.
 - indicate whether any 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)
27. The Council should produce statements which are focused and succinct. However, because they have to answer every question there may be some occasions where it is necessary to go over the 3000 word limit.
28. 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.
29. Three paper copies and an electronic version of each hearing statement **must** be submitted to the PO by the end of **25 October 2018**. Unless there are exceptional circumstances, late submissions will not be accepted.
30. 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 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.

31. Aside from these written statements no other written evidence will be accepted, unless I specifically request it. The hearing sessions are not be used to introduce new evidence or arguments.

Statements of common ground

32. Statements of common ground are welcome where these would be helpful in identifying points not in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include: agreed wording of a suggested change to a policy, agreed factual information or areas or points of disagreement. Work on such statements should commence now with the aim of completing them in time to influence relevant hearing statements.

Approach to omission sites

33. Numerous representors have objected to the omission of their sites that they have been promoting for inclusion in the Plan. However, the purpose of the examination is to consider whether the Plan as it has been submitted for examination is sound. Therefore, I have not included in the programme any discussion on omission sites. Instead, the focus will be on whether or not the process followed by the Council in selecting the Plan's strategy is sound. This will involve looking at the overall strategy, the Council's site selection process, sustainability appraisal and the soundness of the allocated site. I have included such matters within my *Matters and Issues* that accompany this note.

Site visits and close of the examination

34. Insofar as I consider it necessary to my assessment of the soundness of the Plan, I shall visit sites referred to in the representations before, during, or after the hearing sessions. I will do these on an unaccompanied basis, unless I find that I need to go onto private land.
35. 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 will be returned by the PO.

Further information

36. 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 *Examining Local Plans Documents: Procedural Practice – 2016 (4th Edition v.1)* http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

Jonathan Manning

INSPECTOR