

North East Derbyshire Local Plan Examination

Inspector - Mrs S Housden BA (Hons) BPI MRTPI
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EXAMINATION BRIEFING NOTE

Purpose of the Briefing Note

1. This note provides guidance to representors on the procedural and administrative arrangements for the North East Derbyshire Local Plan Examination. All representors should familiarise themselves with the contents of this note, particularly those wishing to submit further statements and/or take part in the hearing sessions.

The Inspector's role in the Examination

2. I have been appointed by the Minister for Housing, Communities and Local Government to examine the soundness of the North East Derbyshire Local Plan (NEDLP) and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations.
3. The *National Planning Policy Framework* (DCLG, March 2012) (NPPF) <http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2> sets out the criteria for determining soundness (paragraph 182); namely that the plan is positively prepared, justified, effective and consistent with national policy.
4. On 24 July 2018 the Ministry of Housing, Communities and Local Government published a revised version of the NPPF. However, paragraph 214 of the revised document states that the previous NPPF (that of March 2012) will apply for the purposes of examining plans where (as is the case with the NEDLP) the plan was submitted for examination on or before the 24 January 2019.
5. 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.
6. Following the close of the hearings I will prepare a report to the Council with my conclusions. My report will deal with broad issues rather than with individual representations.

The Programme Officer

7. The Programme Officer (PO) for the examination is Louise St John Howe. For the purposes of the Examination, she is working under my direction independently of the Council. She can be contacted as follows:

Louise St John Howe, Programme Officer, PO Services, PO Box 10965, Sudbury, Suffolk CO10 3BF email programme.officer@ne-derbyshire.gov.uk
Telephone: 07789 486419.

8. 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.
9. Copies of Examination documents can be found on the Examination web site <http://www.ne-derbyshire.gov.uk/index.php/local-plan-examination>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
10. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO.

Dates and Venue for the Hearing Sessions

11. The Examination hearing sessions will take place between:

13 – 16 November 2018
20 – 23 November 2018
4 – 7 December 2018.

12. The hearing sessions will be held at:

**North East Derbyshire District Council Offices, 2013 Mill Lane,
Wingerworth, Chesterfield, Derbyshire S42 6NG**

13. The **draft hearing programme** available with this note sets out the draft timetable and the matters to be discussed at the hearing sessions. However, the duration and timing of the sessions may be subject to change and you are advised to check the latest details with the PO and on the Examination website.

Progressing your representations on the NEDLP

14. Accompanying this note is a list of Matters, Issues and Questions (MIQs) for the Examination. I have identified fourteen matters on which the legal compliance and soundness of the plan depends and for each matter there are a number of specific questions. The MIQs will form the basis of the discussion at the hearing sessions and should be the basis on which any further written statements are prepared.

15. Please note that dates for a separate hearing session relating to Gypsy and Traveller provision will be confirmed in due course.
16. The hearing sessions are open to all to observe. However, only those who have previously made representations relevant to the matters being considered and are seeking to change the plan, and who register a request to attend have a right to participate at the hearing sessions.¹ If you are in doubt as to which Matter your representation relates to please contact the PO to discuss this.

Participation at the Hearing Sessions

17. **Notwithstanding any indications that may have been previously made** about attendance at the hearing sessions, anyone who considers that it is necessary for them to participate in a hearing session should look at the Matters, Issues and Questions for discussion and confirm with the PO the hearing sessions in which they would like to participate. Only those who have made representations seeking to change the Plan have a right to appear before, and be heard by, the Inspector.
18. **Representors must confirm their interest in participating with the PO by 17.00 on 8 October 2018.**
19. A final version of the hearing programme will be published on the Examination web site around two weeks before the start of the hearings. **Please note that it is for individual participants to check the draft hearing programme, either on the website or with the PO, and to ensure that they are present at the right time.** If you are unable to attend a session for which you are listed as a participator, please let the PO know as soon as possible.
20. Written representations carry the same weight as those made at the hearing sessions and I shall have equal regard to views put at the hearings or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish to participate in the discussion.

Format of the hearing sessions

21. 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. Each matter will be the subject of separate discussion, although the discussion on some matters may take place over more than one hearing session. I shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated.
22. Apart from 13 November 2018 **when the session will start at 10am**, the hearing sessions will normally run between 09:30 and 13:00 and 14:00 and

¹ S20(6) of the PCPA 2004

17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. On occasion, there may be a need for flexibility on finishing times to finish particular sessions. 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

23. The Council should produce a hearing statement for each of the Main Matters listed in the MIQs. I would encourage concise answers and where appropriate questions can be answered by providing references to specific parts of the evidence including Topic Papers wherever relevant.

24. Other representors (those who submitted representations as part of the February - May 2018 consultation either in support of or objection to the plan) can also submit further statements, but only on the questions of relevance to their original representation. However, **it is not a requirement to do so** and if you wish to rely on your original representations please confirm this with the PO.

25. **Please note that the Council has provided a list of responses to the main issues raised and representations made at the Regulation 19 stage in addition to an Employment Topic Paper.** You may wish to refer to these when making any responses to the MIQs and there will be further consideration of the proposed changes at the relevant hearing sessions. The following documents are available on the Examination web site:

Council's responses to main issues raised in Regulation 19 representations (ED5)

Council's response to specific suggestions for changes to the Plan (ED6a, 6b, 6c, 6d & ED7)

Employment Topic Paper (ED8)

26. Hearing statements from those who made representations should be a maximum of 3000 words for each Main Matter. Within this limit, they should be kept as short as possible. Appendices are not included in the word limit but should only be included where directly relevant and necessary and should also be as succinct as possible. Statements should be punched and stapled. In addition, they 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;
- submit a separate statement for each matter being addressed;
- 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)

27. **Three paper copies and an electronic version of each hearing statement should be submitted to the PO by 17:00 on 22 October 2018.** Unless there are exceptional circumstances it is likely that late

submissions will not be accepted.

28. Hearing statements will be posted on the Examination website, 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 website may request copies from the PO.
29. 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.

The Examination Library

30. The Examination website contains the Council's evidence base and documents which have been submitted during the course of the Examination.

Changes to the North East Derbyshire Local Plan

31. The starting point is that the Council has submitted a plan which it considers to be sound and ready for Examination. At this stage there are only two means by which changes can be made to the submitted NEDLP:
 - (1) *main modifications* recommended by the Inspector;
 - (2) *additional modifications* made by the Council on adoption.
32. However, I can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted NEDLP 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 further Sustainability Appraisal and assessment under the Habitats Regulations might also be needed.
33. '*Additional modifications*' are those changes which do not materially affect the policies in the NEDLP³. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' They are likely to include corrections of typographical errors, factual updating and consequential changes to the main modifications. The Council is accountable for any such changes and they do not fall within the scope of the examination.⁴
34. At this stage, the Council has not proposed any main or additional modifications. An update will be provided at the start of the hearing sessions having regard to the additional documents referred to in paragraph 24 of this note.

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 5.27 of *Procedural Practice in the Examination of Local Plans June 2016*

Site visits and close of the Examination

35. If 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 in which case arrangements will be made as necessary.
36. 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

37. 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).

Sarah Housden

INSPECTOR