

North East Derbyshire Local Plan Examination

Inspector - Mrs S Housden BA (Hons) BPI MRTPI
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EXAMINATION CONSULTATION – PROVISION FOR GYPSIES AND TRAVELLERS

BRIEFING NOTE

Purpose of the Briefing Note

1. This note provides guidance to representors on the procedural and administrative arrangements for the examination of the North East Derbyshire Local Plan in so far as it relates to provision for gypsies and travellers. All representors should familiarise themselves with the contents of this note, particularly those wishing to submit further representations 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 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 the plan was submitted for examination on or before the 24 January 2019 (as is the case with the NEDLP).
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.

The Programme Officer

6. 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.

7. 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.
8. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO.

Background to the Examination

9. The North East Derbyshire Local Plan was submitted for Examination on 24 May 2018. Hearing sessions on several main matters were held in November and December 2018 pending the completion of further work by the Council on site provision for gypsies and travellers. That work has now been completed and together with the assessment of need will be the subject of further hearing sessions.
10. On submission, the plan was supported by the following documents:
 - Gypsy and Traveller Accommodation Assessment (GTAA) Position Statement (2014) (EB-G&T1a)
 - Gypsy and Traveller Accommodation Assessment Final Report (2015) (EB-G&T1b)
 - Gypsy and Traveller Topic Paper (May 2018) (EB-G&T2)
 - Sustainability Appraisal of the North East Derbyshire Local Plan Regulation 19 Report (February 2018) SUBD3a
11. The Council has produced an Updated Addendum to the Topic Paper (ED44d) together with a Sustainability Appraisal of the Gypsy and Traveller Sites Assessments (EB44b) and a Landscape Appraisal Technical Note (ED44c). The Council is consulting everyone on its consultation database on the new information in these documents and on the proposed allocations for gypsy and traveller sites.
12. Copies of these documents can be found on the Examination web site <http://www.ne-derbyshire.gov.uk/index.php/local-plan-examination>. If you do not have access to the internet please contact the PO so that alternative arrangements can be put in hand.
13. If you have previously submitted representations on assessment of need and provision for gypsies and travellers they will be considered as part of the Examination process and it is therefore not necessary to repeat those

comments. If you have any comments to make on the new evidence documents outlined above or if you have not commented previously but now wish to comment on the new evidence and proposed sites, this note provides further guidance on how to make your response, the Examination process and the arrangements for the hearing sessions.

Consultation

14. Any comments on the new evidence and proposed sites should be made by responding to the Matters, Issues and Questions (MIQs) that are listed in the MIQs document which is available alongside this Briefing Note. Some questions are directed primarily to the Council but you are able to respond to any or all of the questions listed.

15. Responses can be submitted:

Using the link to the Examination Consultation Portal:-

<https://bolsover.jdi-consult.net/localplan/>

By email to the Programme Officer:-

programme.officer@ne-derbyshire.gov.uk

By post using the PO's postal address:-

PO Services, PO Box 10965, Sudbury, Suffolk CO10 3BF

You are encouraged to submit an electronic response wherever possible but please contact the PO if you require any further advice on other formats.

16. Responses to the MIQs should be a maximum of 3000 words. 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. Written statements should be hole punched and stapled. In addition, they should:

- clearly identify the number(s) of the question(s) being answered;
- 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)
- indicate whether any other changes are needed to make the plan sound (providing suggested wording for the change and if appropriate, any changes sought to the Policies Map).

17. **Three paper copies and an electronic version of the MIQ responses should be submitted to the PO by 15 February, 2019.** Unless there are exceptional circumstances it is likely that late submissions will not be accepted.

18. Responses to the MIQs will be posted via a link from the web site to the consultation portal 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 web site may request copies from the PO.

19. Aside from responses to the MIQs no other written evidence will be accepted, unless I specifically request it.

Dates and Venue for the Hearing Sessions

20. The hearing sessions will take place between **Wednesday 13 March and Friday 15 March 2019**. They will be held at:

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

21. Anyone who considers that it is necessary for them to participate at the hearing sessions should confirm their interest in doing so with the PO by **5.00 pm on Friday 15 February, 2019**. 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.
22. If you wish to participate at a hearing session, provided that your response to the MIQs is provided within the timescale set out above it will be treated as a hearing statement and it will not be necessary to submit any further written material.
23. A **draft hearing programme** will be made available on the Examination web site. 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 web site 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 participant, please let the PO know as soon as possible.

Format of the hearing sessions

24. 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. I shall take account of all written representations already submitted.
25. 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. 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.

Changes to the North East Derbyshire Local Plan

26. 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 plan:
- (1) *main modifications* recommended by the Inspector;
 - (2) *additional modifications* made by the Council on adoption.
27. 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.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 further Sustainability Appraisal and assessment under the Habitats Regulations might also be needed.
28. '*Additional modifications*' are those changes which do not materially affect the policies in the NEDLP². 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.³

Site visits and close of the Examination

29. If I consider it necessary to my assessment of the soundness of the plan, I shall visit sites and areas referred to 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.
30. 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

31. 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

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