

NORTHAMPTONSHIRE MINERALS AND WASTE LOCAL PLAN
(Northamptonshire Minerals & Waste Development Framework
Partial Review)

A GUIDE TO THE EXAMINATION PROCESS

Hearing Sessions Commence: Monday 7th April 2014 at 2pm

Venue: The Blue Room of Northamptonshire County Council, Sessions House, George Row, Northampton, NN1 1DF

INSPECTOR:

Jonathan G King BA(Hons) DipTP MRTPI

PROGRAMME OFFICER:

Ian Kemp

Tel: 01527 837920 / 07723 009166 (mobile)

Email: idkemp@icloud.com

Address 49 All Saints Place, Bromsgrove, Worcestershire, B61 0AX

GENERAL MATTERS

1. These **Guidance Notes** provide information to all who have made representations (representors) on the submitted Minerals and Waste Local Plan Partial Review (“the Local Plan”) and who wish to participate in the Examination process. It is intended that by providing these notes early in the process they will provide useful background information on the approach to the Examination.
2. The **Inspector** appointed to hold the Examination is Jonathan G King BA(Hons) DipTP MRTPI.
3. The **Programme Officer** for the Examination is Ian Kemp, Mr Kemp is not a County Council Officer and has not been involved in the preparation of the Plan he works under the direction of the Inspector.
4. The **role of the Inspector** is to assess:
 - whether the plan has been prepared in accordance with: the Duty to Cooperate [*introduced by the Localism Act 2011*] and legal and procedural requirements [*principally under the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations*];
 - to consider whether the submitted Plan is sound; and
 - to exercise his duties under Section 39 of the Act with the objective of contributing to the achievement of sustainable development.
5. The assumption is made that the County Council has submitted what it considers to be a sound plan. In considering whether the Local Plan is sound the Inspector will have regard to the four tests of soundness set out in the *National Planning Policy Framework* [2012] (NPPF) – namely that it is:
 - Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
6. The **Programme Officer’s main duties** are:
 - Assisting the Inspector with procedural and administrative matters and acting as the channel of communication between him, the County Council and those making representations throughout the whole of the Examination process;
 - Organising the Hearing sessions of the Examination and liaising with those involved to ensure that they run smoothly;

- Ensuring that the documentation connected with the Examination is received, recorded and distributed; and
- Maintaining a library of Examination documents.

THE EXAMINATION PROCESS and OUTCOMES

7. The Examination refers to a process that will consider the soundness of the Plan, taking into account the representations made to the Submission version. The term applies to the whole process, of which the Hearings form only part. The Inspector may call for the submission of evidence on any topic at any time prior to the completion of his Report to the County Council. The Examination process commenced upon submission and will end only when the Report is formally submitted.
8. It is emphasised that the purpose of the Examination is to determine whether the Local Plan is sound, rather than to consider individual representations. The Inspector is not required to consider every point made in each representation or to report on them, but to use them as a starting point in considering whether the plan is sound.
9. After the close of the Hearings, the Inspector will write a Report that will be submitted to Northamptonshire County Council, with recommendations. The Inspector may recommend that the Local Plan be adopted, either in the form as submitted, or with modifications; or he may recommend that the Local Plan should not be adopted. He will give reasons for his recommendations.
10. If the Inspector concludes that the County Council has not complied with respect to the “Duty to co-operate”, unless the Local Plan is withdrawn, he will have no alternative but to recommend that it should not be adopted. The Act provides no means of rectifying any such failure through the Examination process. For this reason, matters relating to the Duty will be considered early in the Examination in order to avoid the possibility of abortive work.
11. The Local Plan will be the subject of the Examination “as submitted”. On the basis that the County Council considers the submitted version to be sound.
12. Nonetheless, broadly speaking, the principal Act as amended by the Localism Act provides the opportunity for the Inspector to recommend that the Local Plan be adopted with 2 types of modifications:

Main Modifications – These may be recommended by the Inspector if the County Council requests it, in order to remedy any element of unsoundness in the Local Plan; and

Additional Modifications – these are minor changes which, taken together, do not materially affect the policies set out in the Local Plan. As they do not address matters of soundness, they will not be the subject of discussion during the Examination. The County Council has already commenced a schedule of modifications containing changes arising out of the pre-submission consultation on the Local Plan. These will be updated, as necessary, during the course of the Examination.

13. At any time during the Examination, the County Council may ask the Inspector to recommend Main Modifications. However, the decision as to whether any modification should be recommended lies with the Inspector.
14. If during the Examination the Inspector is concerned that the Local Plan may be unsound such that it may require remedying by means of a Main Modification, he will indicate the nature of his concerns, thereby providing the County Council with an opportunity to request that modifications should be recommended.
15. The Inspector has no power to recommend a Main Modification unless requested to do so by the County Council. In the event that the Inspector comes to the conclusion that the Local Plan would be unsound in the absence of a main modification, but he has not been requested to recommend modifications, he will have no alternative but to recommend that the Local Plan should not be adopted.
16. The Inspector urges the County Council and representors to continue dialogue with a view to overcoming any unresolved concerns. Main Modifications, should they be proposed, will be the subject of discussion. They will be available to view on the County Council's website and will be publicised. The Inspector in drawing his conclusions will take any comments made in response to publicity into account.

PROCEDURES BEFORE THE HEARINGS

17. The Local Plan is an amalgamation and an updating of a number of adopted Development Plan Documents, to which only a limited number of amendments are proposed. In view of this and the fairly low number of representations, the Inspector has decided not to hold a Pre-Hearing Meeting. These Guidance Notes should contain all of the information necessary to enable representors to take part in the Examination. Should any Representor be unsure about any aspect of the procedure, they should contact the Programme Officer
18. In the period prior to the Hearings the Inspector will have read through the duly made representations and the County Council's own assessment of them. From these, and having regard to national policy and guidance and his own experience, the Inspector has formed an initial impression as to the main issues that he should consider, and what questions he will need to ask to help him prepare his Report.
19. Subsequently, he has drawn up a **Schedule of Main Matters and Issues** which will guide the Hearing sessions and which will form the basis of his Report. The schedule of Matters and Issues accompanies this Guidance Note. The schedule includes a draft Hearings programme.

HEARING SESSIONS

20. Hearings will take place where representors have indicated that they wish to be heard, or where the Inspector considers that one is necessary in order to obtain the information he needs. Only those representors who seek a change to the Local Plan have a right to be heard by the Inspector should they so choose.
21. Separate Hearing sessions will be held on the main Matters and Issues identified in the Programme.

22. If you elect to be heard this is likely to be done jointly with others who have an interest in the identified matter. There is no right to an individual hearing.
23. There is no need for those supporting or merely making comments on the plan to attend the Hearings. It is for those who consider it unsound to make their case and for the County Council to respond. Therefore, while supporters are welcome to attend Hearing sessions as observers, in the normal course of events they will not be invited to participate in the discussions around the table.
24. Representors should already 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. Hearings are open to all, but only those who have made representations and have indicated that they want to participate will be allowed to speak. The Draft Hearings Programme lists as participants those representors who requested an appearance when making their representations and whose representations are relevant to the issues to be discussed at each hearing. If you are unsure whether or not you requested to appear at the hearing sessions, or no longer wish to appear as originally indicated, or have not previously specified your intentions, please contact the Programme Officer who will be happy to assist you. However, please note that in the interests of fairness it will **not** be possible to request a change from written representations to an appearance at a Hearing session after **Friday 14th March 2014** due to the preparation work that has to be undertaken by other parties.
25. Those attending Hearings may be professionally represented, but there is no need for legal representation, and there will be no formal presentation of evidence, cross-examination or formal submissions. An important element of the system is that the Hearing sessions of the Examination are intended to be an inquisitorial process under the Inspector's direction rather than adversarial. The sessions will progress under the Inspector's guidance, drawing those present into the discussion at appropriate stages to enable him to gain the information necessary to come to a firm conclusion on the matters identified. The County Council and participants will be invited to debate the main points in a structured but reasonably informal manner. Everyone who has been specifically invited to the session will be able to contribute, and there will be opportunity for questions, elaboration and discussion on the key questions and issues. The Inspector will endeavour to progress the Hearing sessions in an efficient manner, keeping a tight hand on the discussions and the time taken.
26. The Inspector may raise supplementary questions in relation to a Hearing session, if produced, they will be communicated to all concerned with dates set for responses. He may also prepare an agenda for each Hearing, raising any supplementary questions that may arise from the statements submitted. Any agenda and questions will be intended to structure and promote discussion at the Hearing, and may not be circulated in advance. There is no requirement for further statements of evidence to be produced for the Hearings following the publication of any agendas by the Inspector and no new evidence will be accepted on the day. The Inspector will aim to minimise the amount of material submitted to that which is necessary to permit him to come to informed conclusions on the issues.
27. Hearings will be conducted on the basis that everyone has read the relevant documents, although participants will be able to refer to and elaborate on relevant points. They should not, however, introduce new evidence at the Hearing: all evidence and material should be submitted beforehand. It is not the place for surprises.

WRITTEN REPRESENTATIONS

28. Attendance at the Hearing sessions is not essential. Those who wish to make a further contribution to the Examination, but who are unable or who do not wish to attend a Hearing session are welcome to submit a written statement provided they are seeking a change to the Local Plan and the matter relates to the original representation. As with statements prepared for Hearings, written statements should address the Inspector's Matters and Issues and adhere to the format detailed. It is likely that most issues will be considered by this method. Written representations carry the same weight as those given orally at a Hearing. They will not be discussed directly at the Hearings, though naturally some of the issues raised by them may be addressed in the overall context of the subjects being discussed.
29. Those who wish to proceed by written representations can rely on what they have already submitted in writing and need take no further action. The Inspector's consideration of the issues will be based on the original representation, with a response, if necessary, from the County Council.

ARRANGEMENTS FOR THE HEARINGS

30. The Hearing Sessions will take place during week commencing Monday 7th April 2014. If necessary, they may continue at a later time. If so, the Programme Officer will make arrangements with the affected participants, and details will be posted on the Examination website.
31. Hearings will generally take place between the hours of 09:30 (after the opening day, which will start at 14.00) and 17:00 each day. There will be a break for lunch of about one hour at 13:00 with shorter morning and afternoon adjournments. The length of individual Hearings will vary according to the subject matter. A representor or their representative will be expected to attend at the agreed time and will not be given another opportunity should this be missed. In such an event, the representation will be considered in writing.

STATEMENTS

If you are intending to submit a further written statement, whether or not you have indicated a wish to appear at a Hearing, please read this section carefully and follow the guidance provided.

32. Representors may respond to the Inspector's Schedule of Main Matters and Issues in Written Statements to be submitted to the Programme Officer by **5pm on Monday 24th March 2014**. Whether or not they intend to participate in a Hearing session, any person or organisation listed as having made a representation on a matter identified by the Inspector are invited to submit a statement addressing the key questions posed by him in relation to that matter.
33. The Inspector will also expect the County Council to respond to his schedule of Main Matters and Issues on the same basis as all other participants in the process. The County Council is not invited to submit new evidence to provide further justification for the contents of the Local Plan. The Inspector will assume this is contained in the submitted Evidence Base.
34. Please note that Hearing Statements and Written Statements are subject to the same submission requirements and deadlines.

35. A separate statement in response to the Inspector's Schedule of Main Matters and Issues should be submitted for each matter addressed. **Three hard copies together with an electronic copy of any statement will be required.** This material should not amount to substantive new evidence which goes beyond the scope of the original representation. Statements should concentrate on matters of soundness and the other legal requirements. If the Plan is considered unsound, the statement should clearly say why, by reference to the tests of the NPPF; and specific modifications should be suggested to rectify the unsoundness.
36. Statements should be submitted following the format and timescales set out in Appendix B.

THE EXAMINATION LIBRARY

37. The Programme Officer will maintain an Examination Library at the County Council's offices and, during the Hearing sessions, at the venue. It will contain copies of the Local Plan and associated documents; all representations; Reference Documents, including, national Planning Policy; existing Development Plans, Community Strategies and other key documents; the Core Evidence Base; further representations and statements, as they are received; administrative papers (Attendance Sheets, Examination Programmes etc); and documents submitted by the County Council and representors during the Examination period. Where possible, electronic copies of library documents will also be available via the Examination website. To ensure availability, anyone interested in viewing any of the documents held in the Library should first contact the Programme Officer.
38. The County Council has identified those documents and reports which constitute the "Core Evidence Base" for the Local Plan. The need for the County Council to include in its Core Evidence Base all material that they have relied on in the drawing up of the Plan is emphasised, in view of the importance of demonstrating an adequate, up-to-date and relevant evidence base.
39. It is understood that the County Council are not proposing to produce further Background Papers. However, if it appears to the Inspector that evidence for any aspect of the Plan is absent or insufficient, he may ask the County Council to provide additional material, if it exists, or to prepare Topic Papers to offer further explanatory material on specific subjects. The County Council should note, however, that this material should draw upon the evidence on which the Local Plan was based. The intention is that all of the evidence base has been identified, or is capable of being identified.

THE EXAMINATION WEBSITE

40. The Examination website is accessible using the following link:

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/pages/partialreviewofthe.aspx>

It will provide all necessary information about the Examination as it is published, including key dates; correspondence between the County Council and the Inspector; the Inspector's schedule of Matters and Issues; schedules of proposed modifications; electronic versions of Examination documents; material published by the County Council, together with copies of the original duly-made representations. It will be regularly updated. Participants are advised to visit the website frequently to keep abreast of any changes to programmes etc.

THE EXAMINATION VENUE

41. The Examination venue for the Hearing sessions will be the Blue Room within Northamptonshire County Council Offices, Sessions House, George Row, Northampton, NN1 1DF.
42. Any participant who has a condition that could affect their ability to attend, contribute to and participate in the Examination (e.g. hearing or visual impairment, mobility problems etc.), or may need translation services should contact the Programme Officer as soon as possible so that assistance can be provided.

MISCELLANEOUS MATTERS

43. The majority of representations made to the Local Plan are not site-specific. If necessary, the Inspector will make site visits during the Examination to see areas or sites that have been referred to. It is hoped that the majority may be visited unaccompanied. If there are features that cannot be seen without going onto private land, or if a representor specifically requests it, an accompanied visit may be arranged through the Programme Officer. That will then take place with the representor (or their representative) and a local planning authority officer present. No further discussion on the merits of the representor's case is permitted during the course of a site visit.
44. During the period of the Hearings the Programme Officer will have an office close to the venue. There will also be an Examination notice board with details of the programme and other relevant information. Reasonable requests for photocopying will be met wherever possible, subject to any charges that the County Council may make. However, please note that requests to assist with producing representors' evidence or copy large volumes of material cannot be met.

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Appendix A - List of relevant legislation and guidance

Legislation

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Development) (England) Regulations 2012

The Localism Act 2011

Government Policy and Guidance

National Planning Policy Framework (NPPF)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Guidance from the Planning Inspectorate

Examining Local Plans Procedural Practice, December 2013, 3rd Edition

http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

Examination and Evidence Base Documents

The Examination web site can be found at:

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/pages/partialreviewofthe.aspx>

Appendix B - Format for statements

- A. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the Programme Officer (in Word or PDF format) for the Examination web site **as well as three paper copies** as detailed below.
- B. The need for succinct submissions is emphasised, with the avoidance of unnecessary detail and repetition of the original representation.
- C. It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from the Local Plan or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions!
- D. None of the statements should be longer than 3,000 words. For the avoidance of doubt, this limit applies to statements for the overall issue and not the individual questions. Statements should be prepared on A4 paper and not bound in any way but just stapled and hole punched. No photographs should be submitted. Any plans or diagrams should also be folded to A4 size and listed as Appendices.
- E. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. **Please submit a separate statement for each issue covered**, if your statement covers multiple issues please do not combine the content into a single statement, each statement should specifically address questions covered within an individual issue. This will assist distribution, publication and understanding during the hearing sessions.
- G. All participants must adhere to the timetable for submitting statements. Late submissions and additional material will not be accepted under any circumstances, since this can cause disruption and result in unfairness. If material is not received by the deadlines, the Programme Officer will assume that you are relying on your original representation:
- H. Statements are required by 5pm on **Monday 24th March 2014**.
- I. It is stressed that these deadlines refers to the receipt of both electronic and paper copies of statements. It is not sufficient to send an electronic copy by this deadline to be followed by paper copies at a later time.
- J. All paper copies of statements should be addressed to the Programme Officer at the address on the front cover.