

## **BROXTOWE LOCAL PLAN PART 2 EXAMINATION.**

**Inspector – Helen Hockenhull BA (Hons) B.PI MRTPI**

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### **EXAMINATION GUIDANCE NOTE**

#### **Purpose of the Guidance Note**

1. This note provides guidance to those who have made representations as part of the pre submission consultation process and those who wish to appear in person. It concerns procedural and other aspects of the Examination process.

#### **The Inspector's role in the Examination**

2. My task is to examine the soundness of the Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act and associated regulations.
3. In terms of 'soundness' the Framework advocates that the Plan should be:
  - **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 reasonable alternatives, and based on proportionate evidence;
  - **Effective:** deliverable over the plan period based on effective joint working on cross-boundary strategic policies;
  - **Consistent with national policy:** enables the delivery of sustainable development in accordance with the Framework.
4. Following the close of the hearings I will prepare a report to the Council with my conclusions. I will deal with broad issues, rather than specifically with each individual representation. If I find the submitted plan to be legally compliant and sound in all respects, my report will recommend its adoption. If I find the Plan non-compliant or unsound in any respect, I can recommend main modifications to make it compliant and sound. My report will deal with the main issues concerning the soundness of the Plan, taking into account the representations received. However it will not deal with each one individually.
5. If main modifications are proposed by the Council, further consultation will need to take place, so that the rights of interested parties are not prejudiced. Where necessary and appropriate, main modifications may also need to be considered in a revised Sustainability Assessment. The Council may then, if it wishes, formally adopt the Plan, incorporating the main modifications.
6. The Council may also propose additional modifications which do not materially affect the policies in the Plan. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications' to

the Plan. The Council is accountable for any such changes and they do not fall within the scope of the Examination.

7. A number of post submission Main and Additional Modifications have already been suggested by the Council. These are set out in Document BBC/02 and are available to view in Part 2 of the online Examination Library. These may be discussed, where appropriate, at the Hearing sessions. It is possible that further main modifications may also be proposed and discussed during the Hearings.
8. Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to informally as 'omission sites'. Representors should be aware that it is not part of my role to examine the soundness of the omission sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the Hearing sessions.
9. Instead, should the situation arise that additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), I will look to the Council in the first instance to decide which alternative or additional site(s) should be brought forward for Examination. This process would be subject to consultation, and sustainability appraisal if required. Further hearing sessions might then be required to test the soundness of any additional site(s) proposed for inclusion in the Local Plan.

### **Hearing Sessions**

10. The Hearing Sessions for the Examination of the Local Plan will commence at 10.00am on Tuesday 4 December 2018. They will be held at:

Town Hall  
Broxtowe Borough Council  
Foster Avenue  
Beeston  
Nottingham  
NG9 1AB

11. Two documents are available with this note:

- i)* **Matters, Issues and Questions (MIQs)** for the Examination. These will form the basis of the discussion at the Hearing sessions.
- ii)* **A Draft Examination Hearings Programme** - this sets out the issues to be discussed at each hearing session. It is a draft version and may be subject to change. A second version will be published on the Examination webpage in November 2018, incorporating a list of people who will be participating in the hearings.

12. The Examination webpage can be found at:

[www.broxtowe.gov.uk/part2localplan](http://www.broxtowe.gov.uk/part2localplan)

## Programme Officer

13. The Programme Officer (the PO) for the Examination is Lisa Snow. Lisa is working under my direction and is independent of the Council. She can be contacted as follows:

Address: c/o Broxtowe Borough Council  
Foster Avenue, Beeston, Nottingham NG9 1AB  
Email: programmeofficer@broxtowe.gov.uk  
Tel: 07548153624

14. 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.
15. Copies of Examination documents can be found in the Examination Library on the Examination webpage. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
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.

## Participation in the Hearing sessions

17. The hearings will take the form of a roundtable discussion which I will lead. They will not involve the formal presentation of cases by participants or cross-examination. Discussion at the hearing sessions will be based on the MIQs accompanying this note.
18. The right to participate in a hearing extends only to those who propose changes to the Plan in order to make it sound and legally compliant and is limited to those policies or matters which were the subject of the original representation. This strictly excludes those who have simply commented on a policy in the Broxtowe Local Plan Part 2. The sessions are however open for anyone to observe.
19. Anyone with a right to participate on this basis should contact the PO to **confirm in writing your request to participate by Friday 19 October 2018**. Please indicate which hearing session(s) and matters you wish to participate in based on your previous representations and the MIQs.
20. Please note that written representations and oral representations will carry the same weight, and I will have equal regard to views put at a hearing or in writing. Where several people or organisations wish to speak on the same issue, representors may wish to consider appointing a single spokesperson or persons. Please discuss this with the PO.
21. The draft **Examination Hearings programme** is available on the Examination webpage. An updated version will be published on the Examination webpage in November 2018 and will include a list of

participants for each issue. It will be for individual participants to check the progress of the hearings, either on the webpage or with the PO, and to ensure that they are present at the right time.

22. The hearing sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. 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 issues and questions set out in the MIQs. Those who made representations may also submit hearing statements on the MIQs. However, preparing a statement is not a requirement and representors may wish to rely on previous submissions.
24. Hearing statements from those who made representations should be a **maximum of 3000 words for each Issue**. Within this limit, they should be kept as short as possible. There is no need to include extracts from the Plan or Examination documents as references will suffice. Appendices should be kept to a minimum.
25. The Council should produce statements which are focussed 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.
26. 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.
27. In preparing statements you should be aware of the Council's updated list of evidence documents in the Examination Library on the Examination webpage.
28. Three paper copies and an electronic version of each hearing statement should be submitted to the Programme Officer by **5pm on Friday 16 November 2018**. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
29. 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 online may request copies from the PO.
30. 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**

31. The Council has prepared an online Examination Library which can be found on the Examination webpage at [www.broxtowe.gov.uk/part2localplan](http://www.broxtowe.gov.uk/part2localplan).

32. This contains the submission documents, the Council's evidence and documents which have been produced during the Examination. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

## **Site visits and close of the Examination**

33. Insofar as I consider it necessary to my assessment of the soundness of the plan, I will visit sites and locations 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. Arrangements for any accompanied visits which I consider to be necessary will be made during the hearing sessions.

34. 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.

## **Summary/Key Points**

- The matters and questions paper sets out the key questions for consideration during the Examination.
- The hearing sessions will begin at 10am on **Tuesday 4 December 2018**.
- A preliminary timetable has been published for the hearing sessions
- All those who wish to speak at the hearing sessions must confirm this in writing to the Programme Officer by **Friday 19 October 2018**.
- A finalised timetable and list of participants for the hearings will be confirmed in due course.
- Participants who wish to submit further written statements to address the matters and questions should do so by **Friday 16 November 2018**.
- All documentation relevant to the Examination is available on the Council's website.
- Any queries should be directed to the Programme Officer – Lisa Snow.

*Helen Hockenfull*

INSPECTOR

September 2018