

Examination into the soundness of the Harborough Local Plan 2011 to 2031

GUIDANCE NOTE FROM THE INSPECTOR

The hearings on the above plan will open on 2 October 2018 and will form part of my examination into the soundness of the Plan.

Introduction

1. I am the Planning Inspector appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Harborough Local Plan 2011 to 2031. I have prepared this guidance note. Its purpose is to explain the procedural and administrative matters relating to the Examination.

2. The Programme Officer (PO) for the Examination is **Ian Kemp**. He is acting as an independent officer for the Examination, under my direction. Ian will be responsible for organising the programme of hearings, maintaining the Examination library, recording and circulating all material received, and assisting me with procedural and administrative matters. He will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to the Programme Officer. He can be contacted by:

E-mail: idkemp@icloud.com

Post: 16 Cross Furlong, Wychbold, Droitwich Spa, Worcestershire, WR9 7TA

Telephone: 01527 861 711 / 07723 009 166

3. Information about the progress of the Examination and links to documents are provided on Harborough District Council's website <https://www.harborough.gov.uk/local-plan-examination>

The Inspector's role

4. My task is to consider the soundness and legal compliance of the Plan, on the basis of the relevant legislation and the guidance in the National Planning Policy Framework (The Framework). The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply.

Considering soundness involves examining the Plan to determine whether it is:

- (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
- (c) **effective** – deliverable over its period and based on effective joint working;
- (d) **consistent with national policy** – able to achieve sustainable development in accordance with the Framework's policies.

5. Further details of the examination process are set out in Procedural Practice in the Examination of Local Plans (June 2016). See **Annex A** for details of where to find this document and other useful publications and advice.

6. My starting point for the examination is that the Council have submitted what they consider to be a sound Plan, as the NPPF requires. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of the tests of

soundness.

7. I will seek to address unresolved issues concerning the soundness or legal compliance of the Plan through round-table discussion at the examination hearings, and consideration of the original written representations. It should be emphasised that my role is not to improve the Plan, but to determine whether or not it meets the soundness tests. It is possible that further work will need to be carried out by the Council. If that is the case, the timetable, when known, will be posted on the website.

8. After the hearings have closed, I will prepare a report for the Council with my conclusions. If I find the Plan is legally compliant and sound in all respects, my report will recommend its adoption. If I find that it is non-compliant or unsound in any respect, I will recommend modifications to make it compliant and sound. My report will deal with the main issues concerning the soundness of the Plan, taking into account all the representations received. However, it will not deal with each individual representation.

9. Consultation will take place on main modifications, and where appropriate, modifications may also need to be covered by a revised Sustainability Assessment. The Council may then formally adopt the Plan, incorporating the modifications which I recommend.

Number of representations

10. 1,971 valid representations, were received on the Plan.

Progressing your representations

11. Representors may have already indicated whether their views should be dealt with in written form or whether they feel that they need to come and discuss them orally at a hearing session. Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful to me if you need to participate in a discussion concerning the soundness or legal compliance of the Plan. The housing topic will be of a technical nature.

12. Those who wish to proceed by written means can rely on what they have already submitted. 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. There is no need for those supporting the Plan or making comments to take part in the hearings, although they may attend as observers. I may invite additional participants to attend the hearings where I think they are needed to enable the soundness of the Plan to be determined.

13. The original representations should have included all the points and evidence necessary to substantiate them, so there will be no need to submit further material based on the original representations. Any further written evidence should be limited to responding to the issues and questions which I have identified. It should not merely repeat the representations or stray beyond the issues to which each original representation refers.

14. Irrespective of any previous intentions representors may have provided when submitting representations, any person or organisation who wishes to participate in any of the hearing sessions should inform the PO of their intention to do so, outlining which Matter(s) they wish to participate in by 7th September 2018. In the interests of fairness to other participants, no additional request to appear at hearing sessions will be accepted after this date, unless there are special circumstances justifying it.

The hearing sessions

15. The oral examination will take the form of a series of hearing sessions based on the matters, issues and questions that I have identified. I will lead the hearings and go through the identified issues and questions by means of a structured discussion. The hearings will not involve cross-examination, but those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of the respective team.

16. The purpose of the hearings is to concentrate on the issues that I need to hear more about. The discussion will be structured around an agenda which will be issued in its final form a week or so before the hearing session. This will not be as extensive as the Matters and Issues accompanying this note since some of the issues will be capable of being dealt with in writing. The emphasis in the hearings will be on testing for soundness. They are not an opportunity simply to repeat a case already set out in written representations. I shall make comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal chance to contribute.

17. The aim of the hearings is to enable me to gain the information necessary to come to a firm conclusion and decision on the agenda items. There will be no formal presentation of evidence, as I will have read all the relevant representations and statements beforehand, and I will expect all the other participants to have done so. No more evidence can be submitted once the hearing session has closed, except with my agreement.

18. The hearings will be inquisitorial rather than adversarial and will be short and focused with careful control over the discussion and the time taken. I will not permit repetition of points. Those who have submitted similar representations on the same matter or issue should consider whether their concerns can be dealt with by one or two appointed spokespeople.

19. My report will be concise and will address the Plan's soundness, not the detail of individual representations and objections.

The hearing timetable

20. The hearings are due to open at **10.00am on the 2nd of October 2018** they will be held within the **Council Chamber, Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough, Leicestershire LE16 7AG**. In due course draft Agendas and a list of participants will be published separately on the Council's website. Regular updates to the timetable and list will be available on the Council's website, or through the PO. **It is the responsibility of individual participants to check the latest timetable for the hearings, either on the Council's website or with the PO, and to ensure that they are present at the correct time.**

21. The hearings sessions will normally start at 10.00am and 2.00pm each day, but these times may vary if longer or shorter sessions are necessary. Participants and observers should check the Council's website for confirmation of start times. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon, and lunch will usually be taken at about 1.00pm.

Examination Library

22. Documents prepared by the Council are available to view on, or download from, the Council's website, with hard copies available in the Examination Library or upon request from the PO. As additional Examination Documents are produced, including participants' hearing statements, they will be added to the library. The library will therefore include all the documents that you are likely to need to refer to.

Hearing statements

23. The following provisions should be carefully read and followed. Otherwise statements will be returned.

24. Short written statements may be produced by each representor. There should be one separate statement per Matter. Each statement can cover multiple issues within the same Matter identified in the Inspector's Matters and Issues but should not stray beyond those issues. Written statements for the hearings must be:

- clearly headed with the name of the representor;
- strictly limited to no more than 3,000 words (except for those produced by the Council), but additional relevant appendices may be attached;
- confined to the issues and questions that I have identified;
- no longer than is necessary to deal with their subject matter;
- clearly related to the original representation whilst avoiding unnecessary repetition.

25. All statements should be sent to the PO to arrive by **noon on Friday 7 September**. All participants should adhere to the timetable for submitting statements. Late submissions and additional material (other than that invited by the Inspector) are unlikely to be accepted. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations.

26. Please email electronic versions of all statements and appendices to the Programme Officer [PO] in Word or PDF format, as well as sending 3 paper copies. Statements should be prepared on A4 paper, printed on both sides and not bound, just stapled and hole punched. Any photographs should be submitted in A4 format and should be annotated (on the back or front).

27. Please only submit appendices to statements where they are essential. The statement should make it clear why they are relevant. Appendices should have a contents page and be paginated throughout. They do not need to contain extracts from any publication that is already before the examination, such as the Submission, Supporting and Examination Documents, provided the relevant parts of those documents are adequately cross-referenced. The 3,000-word limit does not include the text in appendices, but they should also respect the aim of succinctness.

28. The Council must produce statements dealing with all my issues and questions, even if they are not subject to representations. The Council's statements must explain why they consider the Plan to be sound or compliant in that particular aspect and, if appropriate, why the changes sought by other parties would make it less sound or even unsound. They may also include any responses they wish to make to the matters raised by the original representations. Because of these additional requirements, the Council's statements are not subject to the 3,000-word limit, but they should still be succinct.

29. 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 Programme Officer.

Statements of Common Ground

30. Statements of Common Ground, agreed between two or more hearing participants, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearing to concentrate on the key issues that need further testing to establish whether the plan is sound. They could, for example, include agreed wording of a suggested change to a policy, agreed factual information, or clearly-identified points of disagreement.

Statements of Common Ground should be submitted in time to feed into the relevant hearing statement.

Site visits

31. Where necessary, I shall visit sites and areas referred to in the representations and statements before, during, or after the hearings. These visits will generally take place unaccompanied by any other parties, unless I need to arrange access to private land. I have already undertaken a number of site visits.

Closing the examination

32. The examination will remain open until my report is submitted to the Council. However, no further representation or evidence will be accepted after the hearings sessions have closed, unless I specifically request it. Any late unsolicited material will be returned.

Finally

33. I emphasise:

- I shall have equal regard to representations made in writing and those made orally at the hearings;
- any further statements should focus on my issues and questions;
- be aware of the need for succinctness, respecting the letter and spirit of the 3,000 word limit, and the other requirements set out in Annex B; and
- you must meet the deadline of **Friday 7 September** for the submission of statements.

Jonathan Bore

Inspector
15 August 2018

ANNEX A

Sources of relevant documents and advice

A. The Council's website

All documents and information for the Local Plan examination are available on the Council's website at: <https://www.harborough.gov.uk/local-plan-examination>

If you do not have access to the internet, documents and other information can be obtained from the Programme Officer whose details appear above.

B. Relevant legislation

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

- *Planning and Compulsory Purchase Act 2004*
- *Planning Act 2008*
- *Local Democracy, Economic Development and Construction Act 2009*
- *Localism Act 2011*
- *The Town and Country Planning (Local Development) (England) Regulations 2012*
- *The Environmental Assessment of Plans and Programmes Regulations 2004*

This document can found at: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32001L0042>.
[European Directive on Strategic Environmental Assessment \(2001/42/EC\)](http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32001L0042)

C. Guidance from the Planning Inspectorate

Procedural Practice in the Examination of Local Plans (June 2016). See:
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>