HYNDBURN BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK

EXAMINATION OF
HYNDBURN CORE STRATEGY AND
ACCRINGTON AREA ACTION PLAN

GUIDANCE NOTES FOR
PARTICIPANTS

| Pre-Hearing Meeting: | 19 July 2011 |
| Deadline for submission of further statements: | 26 August 2011 |
| Hearings commence: | 20 September 2011 |

Pre-Hearing Meeting and Hearing sessions
Hyndburn Borough Council
Queen Elizabeth Room
Scaitcliffe House
Ormerod Street
Accrington
Lancashire BB5 0PF

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1 Introduction
1.1 The Inspector has prepared these Guidance Notes to assist everyone who wishes to be involved in the Examination into the soundness of the Hyndburn Core Strategy and Accrington Area Action Plan (AAP). Hyndburn Borough Council (the Council) has prepared these Development Plan Documents (DPD) as part of its Local Development Framework (LDF) under the Planning & Compulsory Purchase Act 2004 (as amended). They were published on 16 August 2010 and representations were received until 27 September 2010. A Revised Publication version of the Core Strategy was published on 22 November 2010 and representations were received until 20 December 2010. Both DPDs were formally submitted to the Secretary of State on 19 May 2011.

1.2 It is important that everyone who wishes to be involved in the hearing sessions of the Examination attends the Pre-Hearing Meeting. However, only those who made representations at the Publication/Revised Publication stages are involved in the Examination process, and only those who seek some changes to the DPDs are normally involved in the hearing sessions.

2 Inspector and Programme Officer
2.1 The Secretary of State has appointed Planning Inspector, Stephen J Pratt BA(Hons) MRTPI, under Section 20 of the Planning & Compulsory Purchase Act 2004 to carry out the independent examination of the soundness of the Core Strategy and Accrington AAP.

2.2 The Programme Officer is Michael Walker, who is an independent officer of the Examination, working under the Inspector’s direction. He helps to organise the programme of hearings, maintains the Examination library, records and circulates all material received, and assists the Inspector with procedural and administrative matters. He will advise on any programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer. His contact details and web-site address are on the cover sheet and letter accompanying these notes.

3 Purpose of the Examination
3.1 The purpose of the Examination is to examine the soundness of the DPDs. It is important to note that the “Examination” starts when the DPDs are submitted to the Secretary of State and ends when the Inspector’s report is sent to the Council.

3.2 The Inspector’s role is to consider whether the Core Strategy and Accrington AAP meet the requirements of Sections 19-20 of the 2004 Act and associated regulations and whether they are sound in terms of the guidance set out in Planning Policy Statement PPS12 (2008). The Examination will focus on these requirements. The Council should rely on evidence collected while preparing the DPDs to demonstrate that they are sound. Those seeking changes to the DPDs need to demonstrate why the plan is unsound and how any changes they have suggested would make it sound, with any detailed alternative/additional wording, supported by the necessary evidence.

3.3 The examination of these DPDs is concerned with two separate matters:\footnote{Planning Policy Statement PPS12 – Local Spatial Planning (¶ 4.48-4.52) [DCLG: 2008]}

- **Legal requirements:** whether the DPDs have been prepared in line with the Local Development Scheme, Statement of Community Involvement and Regulations; have been subject to Sustainability Appraisal; have had regard to national policy and to the Sustainable Community Strategy; and conform generally to the Regional Strategy;
- **Soundness:** whether the DPDs are justified, effective and consistent with national policy. “Justified” means that the DPD is founded on a robust and credible evidence base and is the most appropriate strategy when considered against reasonable alternatives; “Effective” means the DPD should be deliverable, flexible and able to be monitored.
3.4 The process of examining development plans produced under the LDF system is very different from the previous process of considering objections to a local plan:

- The Examination starts from the assumption that the Council has submitted what it considers to be a sound plan;
- The Examination process is undertaken quickly, with the aim of submitting the binding report to the Council within 6 months from the date of submission;
- The DPD is subject to an Examination, with hearing sessions, rather than a formal local plan inquiry;
- The Examination is into the soundness of the DPDs, not into individual objections. In examining soundness under the LDF system, the Inspector considers the representations made to the published plan, but only insofar as they relate to the soundness of the plan;
- Unlike the old system, the Inspector is not required to consider each and every point made in every representation or to report on them, but to use the representations in considering whether the plan is sound;
- The DPDs and the Examination should be “front-loaded”, with all the material and evidence available and submitted well before the hearings commence.

3.5 The Planning Inspectorate has produced guidance for examining DPDs, covering both soundness and procedure. This sets out the approach the Inspector will take to assess whether these DPDs have been prepared in accordance with the legislative requirements and establish whether they are sound, and outlines the main considerations that are likely to be addressed. It also sets out guidance on the procedural aspects of examining DPDs, including the timeline and tasks undertaken at each stage. Everyone involved in the Examination of these DPDs should be fully aware of this guidance, copies of which are available on the PINS web-site and from the Programme Officer.

3.6 Under the LDF system, the inspector takes control of the Examination process from start to finish. However, the scope for making changes to the DPDs, once submitted, is limited, particularly where they have implications for the sustainability appraisal, the consultation processes already undertaken and the underlying strategy. PINS guidance indicates that post-submission changes to a DPD should not be necessary, and the Council should only seek changes after submission in exceptional circumstances or to cater for the unexpected. Furthermore, the Inspector will not be able to make a substantive change to the DPD unless it relates to an issue that has been subject to proper procedures of community involvement and sustainability appraisal. In the absence of clear evidence that such procedures have been carried out, the Inspector will only give limited consideration to such representations.

3.7 Under the LDF system, the hearing sessions of the Examination are an inquisitorial process under the Inspector’s direction, as an integral part of examining the soundness of the DPDs. This process is similar to an Examination in Public into a Regional Strategy, with hearing sessions addressing particular topics. The matters for discussion are selected beforehand by the Inspector and arise from the tests of soundness and issues raised in the representations. The Council and other participants have the opportunity to contribute to the debate on the specific matters identified by the Inspector.

3.8 For the examination of the Core Strategy, the discussion will focus on strategic issues, rather than on particular sites or proposed developments. However, it may be relevant to debate the principle and broad location/extent of specific areas/strategic allocations proposed in the Core Strategy and shown on the Key Diagram/Proposals Maps. More detailed proposals/sites in the Accrington AAP will be considered when this plan is discussed. The merits of national and regional policies as such will not be debated, but the Examination will consider the application and implications of such policies if they directly affect the areas and topics covered by the DPDs.

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2 Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance [PINS; February 2010]; and Procedure Guidance [PINS: August 2009]
3 http://www.planningportal.gov.uk/planning/planningsystem/localplans
4 Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance (5.21-5.25 & Annex ¶ 5) [PINS: August 2009]
3.9 Under the LDF system, a tight timetable is needed to examine the soundness of the DPDs. This is in order to achieve the Government’s objective of a speeded-up planning system set out in PPS12 and meet the target of March 2012 for adopting these DPDs envisaged in the Council’s latest Local Development Scheme.

3.10 In terms of published documents, all participants should be familiar with:
- Planning Policy Statement PPS12 – Local Spatial Planning [DCLG: June 2008]
- Plan Making Manual (web-based guidance) [Planning Advisory Service]
- Lessons Learned Examining Development Plan Documents [PINS: June 2007]
- Examining Development Plan Documents: Learning from Experience [PINS: Sept 2009]
- Planning & Compulsory Purchase Act 2004 (as amended) and associated regulations

3.11 Much of the procedure may be new to some participants, but most of the guidance and procedures are set out in PPS12, the PAS Plan-Making Manual and PINS guidance, and are available on the Planning Inspectorate’s web-site. Details about the submission of the Core Strategy & Accrington AAP can be found on the Council’s web-site.

3.12 In carrying out this examination, the Inspector will aim to work in a positive, pragmatic and consensual manner with the Council and other participants, in order to deliver a positive outcome in terms of the soundness of the Core Strategy and Accrington AAP.

4 Pre-Hearing Meeting

4.1 The Pre-Hearing Meeting (PHM) will take place on Tuesday, 19 July 2011, at the offices of Hyndburn Borough Council, Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington, Lancashire BB5 0PF at 2.00pm. The purpose of the PHM is to explain and discuss procedural and administrative matters for the management of the Examination, including the Matters & Issues to be examined, the programme and participants for the hearings, the methods of dealing with representations, the timetable for submitting further statements, and any other relevant matters. The content and merits of the DPDs and the representations will not normally be discussed at the PHM.

4.2 At the PHM, the Inspector will ask the Council some procedural questions, to confirm that the DPDs have been prepared in accordance with the statutory procedures under Section 20(5)(a) of the 2004 Act and associated regulations, including the Local Development Scheme (LDS), Statement of Community Involvement (SCI), and Sustainability Appraisal. He will also seek confirmation that the Core Strategy is in general conformity with the Regional Spatial Strategy (RSS), and clarify the position in respect of the RSS and currently adopted development plans.

4.3 An agenda for the PHM is attached to these notes (Annex A). A note of the PHM, along with a Programme for the Hearing sessions and the Schedule of Matters & Issues for Examination, will be circulated afterwards to all those who have made representations.

5 Representations on the Core Strategy and Accrington AAP

5.1 Under Regulation 30(1)(e) of the Local Development Regulations, the Council has confirmed that 160 representations were received from 40 organisations/individuals on the Publication version of the Core Strategy between 16 August-27 September 2010, along with 51 representations from 18 organisations/individuals received on the Revised Publication version of the Core Strategy between 22 November-20 December 2010. 45 representations from 9 organisations/individuals were received on the Accrington AAP between 16 August-27 September 2010. The Council has prepared reports summarising the main issues raised in the representations, and electronic links to the representations are available on the Council’s web-site.

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5 Hyndburn Borough Council – Local Development Scheme (April 2011) [CS_Supp3.4]
6 http://www.pas.gov.uk/pas/core/page.do?pageId=109798
7 http://www.planningportal.gov.uk/planning/planningsystem/localplans
9 Submission Documents: CS_Sub3.4, CS_Sub3.8 & AAAP_Sub3.4
5.2 The representations cover many aspects and policies in the DPDs, but focus on:

**Core Strategy:**
- Future for Hyndburn, including vision, objectives and Balanced Development Strategy;
- Employment land provision;
- Strategic Employment Sites, including Whitebirk & Huncoat;
- Protection of existing employment sites;
- Housing land provision and spatial distribution of housing development, including strategy for housing and regeneration, housing mix and the balance between greenfield and brownfield sites;
- Major housing sites, including Huncoat;
- Affordable housing, including site threshold and economic viability;
- Policy for community facilities;
- Green Belt, including loss of Green Belt at specific sites;
- Green space, Green Infrastructure and facilities for walking and cycling;
- Natural environment and landscape character;
- Sustainable development, flood risk and climate change;
- High Quality Design, environmental amenity and contaminated land;
- Accessibility and sustainable locations, including cycle and footpath networks;
- Policies for Accrington, including town centre and Huncoat (including proposed access/link road);
- Policies for Great Harwood, Whitebirk Strategic Employment Site, Altham Business Park and J7 Business Park;
- Planning Obligations;
- Phasing, delivery and implementation;
- Consistency and co-ordination with other plans, including minerals and waste.

**Accrington AAP:**
- Characteristics, key issues, vision, objectives and proposals;
- Extent of Primary Retail Area;
- Sustainable drainage and flood risk;
- Need for transport assessments and travel plans;
- Relationship to coal resources and mining legacy issues;
- Spatial Quarters, including sustainability of sites in flood zones;
- Implementation.

5.3 Following the Publication/Revised Publication consultation period, the Council has prepared a **Schedule of Proposed Changes** to the Core Strategy\(^\text{10}\), along with a similar **Schedule of Changes** to the Accrington AAP\(^\text{11}\). Apart from updating the position on Huncoat, the Council does not envisage making any further changes to the DPDs. However, other amendments needed to the policies and text of the DPDs to ensure that they are sound may be debated during the Examination. If exceptionally, more fundamental changes are proposed, the reasons for these changes must be fully explained, in terms of the implications for the soundness of the DPDs, with supporting evidence. Any such changes should be subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the published plan. Any changes proposed or discussed during the examination/hearings should include the precise wording of any amendments to the policies/text of the DPDs and be set out in an Examination document.

### 6 Methods of considering representations

6.1 There are two ways in which representations to the DPDs will be considered:

- **Written representations** – based on the original representation. Most representations will be considered by this method. Issues raised in the written representations may be discussed at the hearings, but there is no need to attend the hearing sessions;
- **Oral representations** – where representors seek a change to the plan and wish for an oral hearing, relevant points will be discussed at a hearing session of the Examination, where the Council and other participants can debate the main points on the key issues identified by the Inspector in a structured and informed discussion.

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\(^{10}\) Submission Document CS_Sub2.2  
\(^{11}\) Submission Document AAAP_Sub2.1
6.2 Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing. Only those parties seeking specific changes to the Core Strategy and/or Accrington AAP are entitled to participate in the hearing sessions of the Examination. There is no need for those supporting or commenting on the DPDs to attend, and attendance at the hearings will only be helpful if participants wish to contribute to the debate. The Inspector’s role is to consider the soundness of the plans in the light of the representations received, rather than considering all the points raised in them.

7 Procedure at the Hearing Sessions of the Examination

7.1 The hearing sessions of the Examination are scheduled to commence on **Tuesday 20 September 2011** at the offices of Hyndburn Borough Council, Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington, Lancashire BB5 0PF at 10.00am. Subsequent sessions will normally start at 9.30am and 2.00pm each day, with a break for lunch at about 1.00pm, and finish at about 5.00pm. If convenient, a short break will be taken mid-morning and mid-afternoon. The hearings are likely to be in session on Tuesday-Friday over a two-week period.

7.2 A separate hearing session of the Examination will be held for each of the main topics identified in the programme. The sessions will take the form of an informal discussion, where the Council and those who wish to participate discuss the key points around a table. Legal and professional representatives are welcome to participate and may ask questions, but there is no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to be legally represented, and at this stage, the Council does not propose to be legally represented at the hearing sessions.

7.3 Before each session, the Inspector will set out a detailed agenda with the points for discussion on each topic. The discussion will focus on the issues identified in the agenda and the questions posed. The Inspector will begin by making a few brief comments on the matters to be covered, asking questions and drawing participants into the discussion to enable him to gain enough information to reach a conclusion on the relevant issues. Questions can be asked, and at the end of each session, participants may have the opportunity to sum-up the main points of their arguments.

7.4 The hearings will be conducted on the basis that everyone taking part has read the relevant documents and statements, although participants will be able to refer to and elaborate on relevant points, as necessary. The Council’s statements will be available to all those attending the relevant hearing sessions and everyone will be able to see the statements of other participants. The Inspector will endeavour to progress the hearing sessions in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of this process, he will aim to minimise the amount of material that is necessary to come to informed conclusions on the issues.

8 Examination Programme

8.1 A draft programme for the hearings will be available at the PHM. The programme will reflect the main issues identified in the Council’s Regulation 30(1)(e) statements and will be set out in more detail in the Inspector’s Schedule of Matters & Issues for Examination. In addition to considering the legal requirements, the list of Matters and Issues is likely cover most of the key issues that have been raised in the representations (see para 5.2 above), including those made at the Revised Publication stage. However, the list may be reviewed if new government statements are issued on national/regional planning policy or on the scope of the examination.

8.2 Every effort will be made to keep to the programme, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the scheduled time, and it may be necessary to extend the debate in the afternoon session. The Programme Officer will inform participants of any late changes to the timetable, but participants should aim to keep themselves up to date with the programme.
9 Preparation and submission of further material

Examination Library

9.1 The Council has already submitted the Evidence Base for the Core Strategy and Accrington AAP, including the Submission and Supporting Documents, which is available on the Council’s web-site. Participants should ensure that any documents they wish to refer to are included in the Examination Library, and should arrange for any missing documents to be sent to the Programme Officer (4 copies).

Submission of further written statements and other material

9.2 The representations made at Publication/Revised Publication stages should include all the points, documents and evidence necessary to substantiate representors’ cases. It should not therefore be necessary to submit any further material based on the original representations.

9.3 Any further statements submitted by participants should address the relevant Matters and Issues for Examination identified by the Inspector. A draft version of this schedule will be available shortly and will be formally published after the PHM. Responses to these Matters & Issues from the Council and other participants should be submitted to the Programme Officer no later than Friday 26 August 2011.

9.4 The Examination starts from the basis that the Council has submitted what it considers are sound plans. The Council is invited to respond on all the matters, issues and questions listed, referring to information in the Submission and Supporting Documents, and Evidence Base. Other participants should only respond on topics/issues relevant to points made in their original representation(s). Statements should focus on the relevant Matters & Issues identified for Examination and should not raise new issues not included in the original representation. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made at Publication/Revised Publication stages. All representations/responses should include all the necessary evidence and supporting material. Participants will be expected to state which aspect of the plan is unsound, explain why it is unsound and specify precisely how it should be altered, with detailed wording and clear evidence to support this course of action.

9.5 Statements should be succinct, avoiding unnecessary detail, repetition and quotations from the DPDs or other sources of policy guidance. Nevertheless, it is vital that the fundamental elements of the cases are set out clearly and succinctly, since the hearings are not the place for new points or evidence to be presented for the first time. All statements should clearly indicate the relevant policy/paragraph/page of the DPD and include all the evidence necessary to support the case.

9.6 Participants should try to agree factual matters and statistics before the hearings start and continue a dialogue with the Council and other participants. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted within the timescales set out. There is no need to prepare a further statement if all the points are covered in the original representation, but participants will not be able to raise new points or extend the scope of the original representation. Participants should notify the Programme Officer if they do not intend to submit further statements.

9.7 The Programme Officer will require 4 copies of all statements. Statements should be no longer than 3,000 words for each matter/issue/policy. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence, clearly related to the case, should be included in appendices. Supporting material should be limited to that which is essential and should not contain extracts from documents already in the Examination library. Statements should be on A4 paper, unbound, and any plans, photos or diagrams should fold down to A4 size. All statements should be marked with the Programme Officer’s reference number, and should also be submitted in electronic form, if possible.

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Participants should adhere to the timetable for submitting further statements and should avoid circulating additional material during the hearings. **Late submissions and additional material are unlikely to be accepted on the day of the relevant session,** since this can cause disruption and result in unfairness, and can lead to requests to adjourn the hearing. **Those who fail to meet the deadline may lose their right to be heard,** unless the Inspector is satisfied that there is a genuine and unavoidable reason, and the matter will then be considered by written representations. If material is not received by the deadline stated, the Programme Officer will assume that no further representations are to be made by that participant.

10 **Availability of information**

10.1 The Programme Officer will maintain the **Examination Library** at the Council’s offices, at **Scaitcliffe House, Ormerod Street, Accrington BB5 0PF**. This will contain copies of the Core Strategy & Accrington AAP, along with associated documents, all representations, the Submission & Supporting Documents and further statements and documents, as received. Copies of the representations, statements and other relevant information are also available on the Council’s Examination web-site. When the hearings are in session, the Examination Library will be maintained at the hearing venue.

10.2 The Programme Officer will record all documents submitted. The evidence base and other examination documents will be updated as the examination proceeds. Lists of documents, the up-to-date Programme for the hearing sessions and other relevant material will be on the Council’s Examination web-page. **Anyone who needs assistance or special facilities for disabled persons should contact the Programme Officer beforehand.**

10.3 The Inspector has already begun to examine the soundness of the Core Strategy and Accrington AAP, and has raised some initial questions for Council officers to address, to which they have responded (see Council’s web-site for details). **The Inspector will also ask the Council to suggest an itinerary of relevant areas and places for him to include on his site visits.**

11 **Site visit arrangements**

11.1 The Inspector will familiarise himself with the plan area, visiting relevant places referred to in the plans and representations on an unaccompanied basis. If there are particular reasons for an accompanied visit, participants should discuss this with the Programme Officer. The inspector will also ask the Council to suggest an itinerary of relevant areas and places for him to include on his site visits.

12 **Close of the Examination and submission of Inspector’s report**

12.1 The Examination remains open until the Inspector’s report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

12.2 After the Examination has closed, the Inspector will submit his report to the Council with his conclusions and recommendations on the actions or changes needed as regards the soundness of the Core Strategy & Accrington AAP. These recommendations are binding on the Council, who has to amend the DPDs in accordance with these binding recommendations before it is formally adopted. The date of submission of the report will depend on the content, extent and length of the Examination and the issues raised. The Inspector will confirm the likely date at the end of the hearing sessions of the Examination.

ANNEX A

EXAMINATION OF HYNDBURN CORE STRATEGY
AND ACCRINGTON AREA ACTION PLAN

PRE-HEARING MEETING

AGENDA

1. Opening and introductions
2. Purpose of the Pre-Hearing Meeting
3. Role of the Programme Officer
4. Scope of the Examination and role of the Inspector
5. Procedural questions for the Council
6. Proposed Changes/Further Proposed Changes to the Core Strategy and Accrington AAP
7. Representations on the Core Strategy and Accrington AAP
8. Methods of considering representations
9. Procedure at the hearing sessions of the Examination
10. Examination programme, including matters and issues to be debated
11. Preparation and submission of further material, including core documents, topic papers, statements of common ground, written statements etc
12. Availability of information
13. Site visit arrangements
14. Close of the Examination
15. Submission of Inspector’s report
16. Questions
17. Close