

Examination of Hyndburn's Development Management Development Plan Document (DPD)

Examination Guidance Note

Introduction

1. I am Victoria Lucas-Gosnold and I have been appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Hyndburn Development Management DPD. The purpose of this guidance note is to explain procedural and administrative matters relating to the examination.
2. The Programme Officer (the PO) for the Examination is **Stuart Sambrook**. He will be working under my direction and independently from the Council. Stuart will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating material received, and assisting me with procedural and administrative matters. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be addressed to Stuart. His contact details are given below.
3. Information about the progress of the examinations and links to documents are provided on the Council's examination website. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in place.

Purpose and Scope of the Examination

4. My role is to consider whether the plan meets the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with national policy and guidance.
5. The National Planning Policy Framework (Framework) sets out the criteria for determining soundness. To be sound the plan must be:
 - **Positively prepared**
 - **Justified**
 - **Effective**; and
 - **Consistent with national policy**
6. The examination must consider whether the plan satisfies the following legal and procedural requirements:

- Whether it has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and the relevant regulations;
 - Whether it has been subject to Sustainability Appraisal and Habitats Regulations Assessment;
 - Whether it complies with national policy;
 - Whether it has regard to the sustainable community strategy for the area; and
 - Whether the Duty to Cooperate has been met.
7. The starting point is that the Council have submitted a local plan which they consider is ready for examination. The Council should rely on evidence collected whilst preparing the plan to demonstrate that it is sound.
8. People seeking changes to the plan must demonstrate why the plan is not sound and how their proposed changes would make it sound. Representations will be considered in so far as they relate to soundness and legal requirements. My report will deal with broad issues rather than specifically with each individual representation.
9. Those who have made representations will by now have indicated whether their views should be dealt with in a written form or whether they feel that they need to attend a hearing session and discuss them orally. **Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing.**
10. Only those seeking changes to the plan have a right to participate in the hearing sessions. Whilst sessions are open for anyone to observe, attendance at a hearing session will only be useful and helpful to me if you wish to participate in the discussion.
11. I ask that representors let the PO know by 12 noon on **31 March 2017** whether they wish to be heard at a hearing session.
12. At this advanced stage of the plan preparation process, any further changes to the plan should be limited. There are only two means by which changes can be made to the submitted plan: 'main modifications' recommended by the Inspector or 'additional modifications' made by the Council.

13. I can only recommend main modifications if they are necessary to resolve issues that would otherwise make the submitted plan unsound or not legally compliant. 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 in some cases further sustainability appraisal may also be needed.
14. Additional modifications are those changes 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'. The Council is accountable for any such changes and they do not fall within the scope of the examination.
15. The Council has proposed a number of post submission changes to the plan. As noted above, I will only be able to recommend main modifications if they are necessary to make the plan sound. Additional modifications are a matter for the Council on adoption. It is possible that additional changes may be proposed during the hearing sessions.
16. 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 (referred to as main modifications), if necessary following additional work; or
 - The submitted plan is not sound and could not be made sound by changes.

Examination programme and matters and issues

17. The hearing sessions (which are part of the examination) will start on **Wednesday 17 May 2017** and will last for two days. They will be held at: Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF. The hearing sessions will normally run between 10:00 to 13:00 and 14:00 to 17:00 each day. A short break will usually be taken during the mid-morning and mid-afternoon.
18. 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.
19. I have prepared a 'Matters, Issues and Questions' paper and a draft timetable for the hearing sessions which have been circulated to representors along with this note. They are also available on the Council's website.

20. Any comments on either the timetable or the scope of my matters, issues and questions should be sent to the PO by 12 noon on **31 March 2017**. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. Please discuss this with the PO. Listed participants who no longer wish to participate in the hearings should also make the PO aware.
21. A final version of the Hearing Timetable will be published on the examination website around two weeks before the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the website or with the PO, to ensure that they are present at the right time.

Procedure at the hearing sessions of the examination

22. The topics selected for discussion arise from the tests of soundness and the representations made about soundness. 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. All contributions should be focussed.

Submission of hearing statements

23. The Council should produce a written statement in response to all of the Matters, Issues and Questions. In doing so, they should answer each of the questions set out and include references to any main modifications the Council may consider necessary to make the plan sound. The statement should also set out the Council's position on changes sought by other parties, where relevant.
24. If representors participating in the hearing session so wish, they may submit further written statements. However, the preparation of a statement is not a requirement. For those who do choose to provide statements, they should directly address the Matters, Issues and Questions that I have raised.
25. Those who wish to proceed solely by written representations (and are not participating in the hearing) can rely on what they have previously submitted in writing. However, representors proceeding by this method may submit a written statement if they feel it is necessary to respond to the Matters, Issues and Questions.
26. Statements from representors should: Relate solely to the matters raised in their earlier representations; explain which particular part of the plan is unsound; explain why it is unsound, having regard to national policy and

guidance; explain how the plan can be made sound; and explain the precise change/wording that is being sought.

27. Please note it is not my role to 'improve' the plan. I can only recommend main modifications to rectify issues of soundness.
28. Participants should attempt to reach agreement on factual matters and evidence before the hearings start and I encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground can be particularly helpful and would be welcomed.
29. Hearing statements from those who made representations should be no longer than 3,000 words for each Matter. Within this limit, statements should be kept as short as possible. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices and only included where directly relevant and necessary. Statements should be on A4 paper and stapled not bound. Two paper copies and an electronic version of each hearing statement should be sent to the PO.
30. All statements must be received by the PO by 12 noon on **31 March** at the latest. If material is not received by this deadline, the PO will assume that written statements are not being provided. Late submissions and additional papers are unlikely to be accepted unless there are exceptional circumstances.
31. Apart 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

32. The Council has prepared an Examination Library which can be found on the Council's website. This contains the Council's evidence and documents which have been produced during the examination. If you have difficulties accessing the library please contact the Programme Officer. It is not necessary to attach extracts of these documents to hearing statements as they are already examination documents.

Site visit arrangements and close of the examination

33. Insofar as I consider it necessary to my assessment of the soundness of the plan, I shall visit the Borough to familiarise myself with the area. This will be on an unaccompanied basis unless I find that I need to go onto private land.

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. Any late or unsolicited material may be returned.

35. If you have any further questions please contact the Programme Officer: Stuart Sambrook (email: programmeofficer@hyndburnbc.gov.uk ; phone: 01254 380695; address: Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF)

V Lucas-Gosnold

INSPECTOR