

Chichester Local Plan

EXAMINATION GUIDANCE NOTES

Introduction

1. These Guidance Notes provide information about the Examination of the Chichester Local Plan and are intended to assist with the efficient running of the Examination. The term "Examination" refers to the whole process, from the Councils' submission of the draft Local Plan to the Planning Inspectorate to the submission of the Inspector's report to the Council. This process has already started.

The Inspector and her role

2. The Inspector appointed to hold the Examination is Mrs Sue Turner RIBA, MRTPI, IHBC. Her role is:
 - to consider whether the Plan has been prepared in accordance with the Duty to Co-operate as required by the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
 - to consider whether the Plan meets the legal requirements of the Planning and Compulsory Purchase Act as amended, and also whether it meets the requirements of the Town and Country Planning (Local Planning)(England)Regulations 2012; and
 - to consider whether the Plan is sound.
3. Unlike the other requirements, there is no scope to remedy shortcomings with respect to the Duty to Co-operate. If the Duty to Co-operate has not been complied with, the Plan will fail.
4. If the Inspector considers that the Plan has shortcomings with respect to legal compliance and/or soundness, the Councils have requested her to make such modifications (main modifications) to the Plan as are necessary in order to rectify these shortcomings.
5. The Inspector is not concerned about "additional modifications", such as matters of clarification, factual updates or corrections which do not affect legal compliance or soundness. The Councils may make such modifications and they will not be examined.

Soundness

6. The Plan will be assessed against the four soundness criteria set out in paragraph 182 of the National Planning Policy Framework (NPPF). These are that the Plan should be:
 - 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.

The Programme Officer and his role

7. The Programme Officer (PO) for the Examination is Chris Banks. For the purposes of the Examination he acts as an impartial officer of the Examination, under the Inspector's direction, and not as an employee of the Council. He can be contacted at:

Banks Solutions
21 Glendale Close
Horsham, West Sussex
RH12 4GR.
Tel: 01403 253148 (Direct)
Mob: 07817 322750
Skype: 01273 782194
email: bankssolutionsuk@gmail.com

8. The main tasks of the PO are to act as a channel of communication between the Inspector and all parties; to liaise with all parties to ensure the smooth running of the Examination; to organise the hearings programme; to ensure that all documents received are recorded and distributed; to keep the Examination Library, and to update the Examination website.

Website: <http://www.chichester.gov.uk/index.cfm?articleid=23733>

9. Hard copies of documents are available for viewing. If hard copies are required to take away, there will be a charge for this. To view any of the documents please contact the PO beforehand to ensure availability.
10. Any queries about the Examination should be addressed in the first instance to the PO. If necessary he will pass them on to the Inspector for a reply. If a participant has a disability that could affect their contribution to the Examination s/he should contact the PO as soon as possible so that every effort can be made to provide assistance.

The Examination Process

11. The Inspector will proceed on the assumption that that the Council has submitted what it considers to be a sound plan. Those seeking modifications must demonstrate why the Plan is unsound by reference to one or more of the soundness criteria.
12. The Inspector will examine the soundness of the whole Plan, having regard to the all the representations submitted. Her report will deal with the issues, rather than addressing each individual representation, and hearings will focus on particular topics identified by the Inspector.
13. During the course of the Examination, it may emerge that main modifications are required in order to make the Plan sound. Any such modifications would need to be subject to consultation and, where appropriate, Sustainability Appraisal.
14. The Council may make additional modifications which do not bear on soundness but which may be matters of clarification, factual updating or correction. Additional modifications are a matter for the Council and will not be examined or referred to in the Inspector's report.

Representations

15. Representations from individuals and organisations ("representors") have been submitted in response to consultation on the pre-submission Local Plan.
16. Representors will have already informed the PO whether they wish to participate in a hearing or whether they are content to rely on their written representations. The Inspector will take account of all written representations and those who wish to

rely on what they have already submitted in writing need take no further action. However, if anyone wants to make a further written submission supporting their position, it should be focussed on the issues identified for the hearings.

17. In the interest of fairness, it will not be possible to request a change from written representations to appearance at a hearing after Friday 19th September 2014.
18. Only those who have made representations and have indicated that they want to attend will be invited to participate in the hearings. However the hearings are open to anybody who wishes to come and observe.

Hearing statements

19. The Inspector's draft matters and issues will be issued by Monday 21 July 2014. All statements in response should be sent to the PO by midday on Monday 1 September 2014. This deadline relates to the receipt of paper and electronic copies. Statements should only address the Inspector's "Matters and Issues for Examination". All statements will be placed on the Examination website.
20. Appendix A sets out the requirements for all statements. Please note the 3,000 word limit. Statements should set out the following as clearly and concisely as possible:
 - What part of the Plan is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the Plan can be made sound.
 - The precise modification and/or wording that you are seeking.
21. The Council may submit a statement on each issue saying why it considers the Plan to be sound, why (if appropriate) changes sought by others would make it less sound/ unsound, and (if relevant) suggestions for alternative modifications.

The Hearings

22. The hearings start at 10.00 on Tuesday 30 September 2014 in the **in Committee Rooms 1 and 2, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY**. They will provide an informal setting to discuss the issues. Those attending may bring professional experts. Barristers and solicitors (if present) will be treated as part of their team.
23. The purpose of the hearings is to focus on the Inspector's "Matters and Issues for Examination." These, together with any additional points raised by the written statements, will form the basis for the hearing agendas.
24. Those present will be asked to introduce themselves. The Inspector may make a brief statement to summarize the issues under discussion and will then invite participants to contribute, drawing those present into the discussion as appropriate. There will be no formal presentation of evidence and the Inspector will seek to conduct short, focussed hearings leading to a short, focussed report.
25. Once the hearings are completed no further evidence should be submitted to the Inspector unless she has specifically invited it. The examination remains open until the Inspector submits her report to the Council.

Statements of Common Ground (SCGs)

26. SCGs between the Councils and representors can be helpful in refining the issues that need to be discussed at hearings. The Inspector invites SCGs and asks that they identify points in dispute and clarify any no longer in dispute, thus enabling the hearings to concentrate on the key issues that need to be discussed. SCGs may include agreed wording of a suggested main modification, agreed factual information and/or areas that remain in dispute.

27. Work on SCGs should commence now, so that they are completed in time to feed into the relevant hearings statements.

Evidence Base/Core Documents (CDs) and Examination Library

28. The Council has prepared a list of the evidence core documents that are available in the Examination Library and on the website. As further submissions are received they will be added to the evidence list, as will any other new documents that the parties are likely to need to refer to. The Examination website will be regularly updated and there is no need to attach extracts from CDs to statements.

Site Visits

29. The Inspector may wish to visit certain sites or areas before, during, or after the hearings. This may be done unaccompanied or accompanied by the parties if the Inspector needs to go onto private land.

Summary

30. The Inspector urges all participants to:

- Make the best use of the remaining time before the start of the hearing sessions to ensure statements are submitted on time;
- Ensure that the timescales and deadlines are adhered to;
- Be aware of the Examination documents, the supporting evidence, and any other relevant material produced by the Council;
- Focus on the "Matters and Issues" and the NPPF soundness criteria;
- Keep looking at the examination website and/or be in contact with the PO.

Appendix A

Format for statements

- A. Statements must be succinct, with the avoidance of unnecessary detail and repetition of the original representation. Important: you should only answer questions as they relate to the content of your original representation.
- B. 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 Plan or other sources of policy guidance. The Councils' statements should also deal with any Matters and Issues that are being dealt with only by written representations and not at the hearings.
- C. None of the statements should be longer than 3,000 words. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides. Any photographs should be submitted in A4 format and should be annotated (back or front).
- D. 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 which is already an Examination document – a paragraph or page reference will suffice. Those of excessive length and/or which cannot be circulated electronically risk being returned. Any appendices should have a contents page and be paginated throughout. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- E. Those appearing at hearings should send **three** paper copies of all statements to the PO. For written representations, three paper copies of statements need be submitted. One copy of each should be left loose leaf, and the remaining copies should be stapled, with no spiral bounding. In addition an electronic copy of statements and appendices should be sent to the PO (in Word or PDF format) for the Examination web page as an email attachment by the deadline below.
- F. All statements must be headed with the representors name and be clearly marked, at the top, right hand corner, with the appropriate matter number and representor reference. The Councils' Statements should be separately referenced CDC/'Doc Number'/Matter Number. Representors' statements should be referenced by Matter number. The programme Officer will allocate the document number.
- G. The deadline for receipt of statements is midday on **Monday 1st September 2014**.
This refers to the receipt of paper copies of statements and it is not sufficient to send an electronic copy by this deadline, to be followed by paper copies at a later time.
- H. Late submissions and additional material are unlikely to be accepted on the day of the relevant hearing session since this can cause disruption and result in unfairness, and can result in an adjournment of the hearing. If material is not received by the relevant deadline, the PO will assume that you are relying only on the original representations.