

INSPECTOR'S EXPLANATORY NOTE FOR ADDITIONAL MATTER 1 HEARING

1. This note aims:
 - (a) to ensure that there is no misunderstanding about the purpose and scope of the additional Matter 1 hearing session that has been arranged for 9 May 2018, and
 - (b) to explain why some of the statements submitted for the hearing have been returned to their authors for editing.

Purpose of the additional hearing session

2. The reason why the additional hearing session for Matter 1 has been arranged is that the North Essex Authorities [NEAs] failed to register the consultation representations made by Lightwood Strategic in August 2017. This failure did not come to light until Thursday 18 January 2018, by which time the hearing sessions were under way.
3. Lightwood's consultation representations are relevant to Matters 1, 6, 7 & 8 on the timetable for the original hearing sessions that were held in January. Lightwood were able to take part in the original hearing sessions for Matters 6, 7 & 8 because they took place after 18 January. However, their representations came to light too late for them to take part in the original Matter 1 session.
4. Therefore, the additional Matter 1 hearing session has been arranged for 9 May in order that Lightwood have the same opportunity to be heard as all the other representors who took part in the original Matter 1 session.

Scope of the additional hearing session

5. The agenda for the original Matter 1 hearing session enabled the participants to discuss the issues relevant to Matter 1 that were raised in their representations. To ensure that Lightwood have the same opportunity, I have prepared an agenda for the additional hearing session which is tightly focussed on the issues relevant to Matter 1 that were raised in Lightwood's representations.
6. I have invited all the participants from the original Matter 1 hearing to attend the additional hearing session so that they have the opportunity to respond to the issues raised by Lightwood – exactly as they would have had if Lightwood had been able to take part in the original Matter 1 hearing.
7. Please note, however, that the additional Matter 1 hearing is not an opportunity for other issues, that have already been discussed, to be raised again. Discussion at the hearing will be limited to the specific lettered questions set out on the agenda.
8. Following requests, I have also invited representatives of the parish councils and action groups from the area potentially affected by Lightwood's proposals for development at Pattiswick ("Monks Wood") to attend the additional Matter 1 hearing session, because it appears to me that they have a legitimate

interest in the issues under discussion and that I would benefit from hearing their views on those issues.

9. However, it should be clearly understood that the additional hearing session is not an opportunity to discuss the merits of Lightwood's proposals for Monks Wood, or to compare the merits of Monks Wood with those of other potential areas for development. Questions 1(a), 2(a)-(e), & 7(a)-(c) on the agenda are limited to asking whether the NEAs acted lawfully in considering Lightwood's proposals and representations, and question 9(a) is about the lawfulness of certain provisions in the Section 1 plan. Discussion at the hearing will be confined to those questions.
10. The question of whether or not Monks Wood should be included as an allocated development site in the Section 1 plan is not before me at this stage of the examination. My role is to assess the soundness and legal compliance of the plan as submitted, which does not include Monks Wood as an allocation.
11. If, at some future point, the NEAs chose to propose a modification to the plan allocating Monks Wood for development, that modification would need to be the subject of full public consultation and a further hearing session before I could make any recommendation on it. But no such modification is before me at present.

Return of some hearing statements for editing

12. I have asked the Programme Officer to return some of the statements that have been submitted for the additional Matter 1 hearing session to their authors for editing. This is because they contain material that is not relevant to the questions on the agenda for the hearing session. For example they may seek to deal with the merits of the Monks Wood proposals, or they may seek to deal with issues that have already been discussed at other hearing session which it is not appropriate to raise again.
13. I have asked for the statements to be edited in order to ensure that the hearing session is focussed on its intended purpose. This is not a reflection on the quality of the material submitted, nor does it imply any comment upon the arguments contained in it. I hope it will be understood that my only concern in doing so is to ensure that the additional hearing session is properly conducted.

Questions

14. If you have any questions on this note, please raise them with the Programme Officer, or with me at the additional Matter 1 hearing session.

Roger Clews, Inspector
16 April 2018