

NORTH ESSEX AUTHORITIES
Joint Strategic (Section 1) Plan

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EXAMINATION HEARINGS

GUIDANCE NOTE FROM THE INSPECTOR

The hearings on the Joint Strategic (Section 1) Plan will open at 9.30am on Tuesday 16 January 2018, as part of the examination of the Plan.

The Programme Officer

1. Andrea Copsey, the Programme Officer [PO], is responsible for the administration of the Examination. This includes ensuring that all Examination documents are made available to participants, and organising the hearings programme. Andrea works under my direction. She is not an employee of the North Essex Authorities. Her contact details appear at the head of this page. Any questions you have or matters you wish to raise should be directed to Andrea.

The Examination webpages

2. The Examination has a dedicated series of webpages, hosted on the Braintree Council website. They can be accessed via the following link:
https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan_braintree_district_colchester_borough_and_tendring_district_council
3. All the material produced for the examination hearings will appear on the Examination Documents webpage (Examination webpage 5). If you do not have access to the internet, documents and other information can be obtained from the Programme Officer.

The Inspector's role

4. My role is to consider whether the Section 1 Plan complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound the Plan must be:
 - (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 and** – deliverable over its period and based on effective joint working;

- (d) **consistent with national policy** – enabling the delivery of sustainable development in accordance with the NPPF’s policies.
5. The North Essex Authorities 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 these tests.

Scope of the examination

6. In addition to the joint strategic Section 1 Plan, Braintree District Council, Colchester Borough Council and Tendring District Council have produced separate Section 2 plans. My examination only covers the matters contained in the joint Section 1 Plan. The Section 2 plans will be examined separately.
7. Paragraphs 6 to 8 of examination document IED001 (*Inspector’s Initial Observations and Questions*) set out in more detail my views on the scope of the examination and the matters on which I will reach conclusions in my report.

Representations on the Section 1 Plan

8. The Authorities’ Consultation Statements on the representations made on the published Section 1 Plan, and all the representations received, are available on the Evidence Base webpage (Examination webpage 4).

Attending the hearing sessions

9. Anyone can come and observe the hearings, but only those who have duly-made representations proposing changes to the Section 1 Plan in order to make it sound or legally-compliant have the right to participate. Besides those, I may invite additional participants to attend the hearings because I think their representations are particularly relevant to the matters under discussion.
10. **If you wish to participate in the hearings, you must contact the PO by 5.00pm on Friday 24 November 2017, indicating the session(s) you wish to attend.** You must do this even if you have previously stated that you wish to attend (for example, when you made your representations). **Please note that if you do not contact the PO by that date, I will assume that you do not wish to participate.**
11. Because of space constraints, each representor who is participating will normally be allocated one seat at the table, with seats provided behind him/her for any other members of the team. Those represented by more than one participant will need to switch seats as necessary. Three seats will normally be allocated to the North Essex Authorities.

The hearing timetable

12. Any updates to the hearings timetable will be posted on the Examination Documents webpage. **It is the responsibility of individual participants to check the latest timetable for the hearings, either on the webpages or with the PO, and to ensure that they are present at the correct time.**
13. The hearing sessions will start at 9.30am and 2.00pm each day. Morning sessions will normally finish by 1.00pm and afternoon sessions by 5.30pm.

Short breaks will be taken at convenient points in the mid-morning and mid-afternoon.

Format of the hearing sessions

14. Each hearing session will consist of a structured discussion led by me and based on my list of matters, issues and questions. I will invite one or more participants to begin the discussion on each question, and others will then have a chance to contribute. There will be no formal presentation of evidence, as I will have read all the relevant representations and hearing statements beforehand, and will expect all the other participants to have done so too. Nor will there be any cross-examination, unless I agree it is necessary to deal with a particular issue or question. Barristers and solicitors, if present, will be treated as part of the participant's team.

Dealing with sites at the hearing sessions

15. Part of my task is to examine the soundness of the proposed garden community allocations in the submitted Section 1 Plan. Those who have submitted representations to the effect that an allocation is unsound will be able to put their views to me at the hearing session, if they have made a request to do so. The Authorities will have the opportunity to respond.
16. Other sites that have been put forward, but have not been selected by the Authorities for allocation in either the Section 1 or Section 2 Plans, are known informally as "omission sites". It is not part of my role to examine the soundness of omission sites, and, subject to the legal right to be heard (see paragraph 9 above), such sites will not be discussed in detail at the hearing sessions.
17. Should the situation arise that additional allocations are needed (for example, because one or more of the proposed allocations is found to be unsound), I would look to the Authorities in the first instance to decide which alternative sites should be brought forward for examination.

Hearing statements

18. Participants may produce written hearing statements to supplement their original representations. However, **you should only do so if you have something to add to your original representations which could not have been included when you made them.**
19. If you do prepare a hearing statement, please address only the issues and questions identified in the Inspector's Matters, Issues and Questions document which are relevant to your original representations. Do not repeat anything that is in your original representations: just provide a cross-reference to it. **Statements should be no longer than is necessary to deal with their subject matter, and in any event must contain no more than 3,000 words.** This limit will be strictly applied.
20. The Authorities' statement for each matter should deal with all my issues and questions. If a question can be answered, wholly or partly, by reference to an existing evidence base document, that should be done. However, where a question refers to evidence submitted by a representor that challenges evidence supporting the Section 1 Plan, the Authorities' statement should directly address

the representor's evidence in sufficient detail to explain why the Authorities consider their own position is justified.

21. Because of these requirements, the Authorities' statements are not subject to the 3,000-word limit, but they should still be succinct.
22. **All hearing statements, including those from the Authorities, should be sent to the PO to arrive by 5.00pm on Monday 4 December 2017.** One electronic copy, preferably in PDF or Word format, and two paper copies are required.
23. Hearing statements will be posted on the Examination Documents webpage, 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 webpage may request copies from the PO.

Format of statements

24. Annex B sets out the presentational requirements for hearing statements. Its provisions should be carefully read, and followed. Otherwise statements may be returned.

Statements of Common Ground

25. 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 discussion. At the very latest, any Statements of Common Ground should arrive with the PO by **Monday 4 December 2017**.

Roger Clews

Inspector
November 2017

ANNEX A

Sources of relevant documents and advice

A. Examination webpages

The Examination webpages are hosted by Braintree District Council and available via this link:

https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan_braintree_district_colchester_borough_and_tendring_district_council

All the material produced for the examination hearings will appear on the Examination Documents page (page 5 of the Examination webpages).

If you do not have access to the internet, documents and other information can be obtained from the PO whose details appear on page 1 above.

B. National Guidance and guidance from the Planning Inspectorate

See: <http://www.planningportal.gov.uk/planning/planningsystem/localplans>, which provides links to the following:

- *The National Planning Policy Framework*
- *Procedural Practice in the Examination of Local Plans* (The Planning Inspectorate, 4th edition, June 2016)

C. National Planning Practice Guidance

See: <https://www.gov.uk/government/collections/planning-practice-guidance>

D. Relevant legislation

These documents can be 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*
- *Housing and Planning Act 2016*
- *Neighbourhood Planning Act 2017*
- *The Town and Country Planning (Local Development) (England) Regulations 2012 [SI No 2012/767]*
- *The Environmental Assessment of Plans and Programmes Regulations 2004 [SI No 2004/1633]*
- *The Conservation of Habitats and Species Regulations 2017 [SI No 2017/1012]*

This document can found at:

<http://ec.europa.eu/environment/eia/sea-support.htm>:

- *European Directive on Strategic Environmental Assessment (2001/42/EC)*

ANNEX B

Format for hearing statements

- A. Anyone submitting a hearing statement should email an electronic copy in PDF or Word format, and send two paper copies to the PO (one paper copy each for the Inspector and the Examination Library).
- B. Statements should be succinct, avoiding unnecessary detail and avoiding repetition of the original representation. **No hearing statement should be longer than 3,000 words.** Longer statements will be returned by the PO for editing.
- C. Statements should be prepared on A4 paper, printed on both sides and not bound, just stapled. Any photographs should be submitted in A4 format and should be annotated (on the back or front).
- D. All the Submission Documents, the evidence base and supporting documents for the Section 1 Plan are available on the Evidence Base webpage (Examination webpage 4). Participants should not attach copied extracts from those documents to their hearing statements, but should simply refer clearly to the document number or title and the relevant page or paragraph.
- E. Please do not submit appendices to hearing statements unless they are essential. The statement should make it clear why they are relevant. Appendices should have a contents page and be paginated throughout. The 3,000-word limit does not include the text in appendices, but they should also respect the aim of succinctness.
- F. All participants must adhere to the deadline for submitting statements:
 - Any hearing statements must be received by the PO by **5pm on Monday 4 December 2017.**
 - Statements of Common Ground: in time to feed into hearing statements, or to be received by the PO by **Monday 4 December 2017** at the latest.
- G. **Late submissions and additional material are unlikely to be accepted after this deadline, including on the day of the relevant session,** since it can cause disruption and result in unfairness to other participants, and could result in the hearing being adjourned.