

Fylde Council Local Plan 2011-2032

EXAMINATION GUIDANCE NOTE Stage 2 Update

Inspector – Mrs Yvonne Wright BSc(Hons) DipTP MSc DMS MRTPI
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1 INTRODUCTION

- 1.1 I am the Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the legal compliance and soundness of the Fylde Council Local Plan. This note provides guidance to participants on the procedural and administrative arrangements for the stage 2 hearing sessions as part of the examination.
- 1.2 The stage 2 hearing sessions will be held on Tuesdays, Wednesdays and Thursdays **between Tuesday 20 June 2017 and Thursday 29 June 2017**. The sessions will commence at 10:00 am unless stated otherwise on the timetable. They will be held at the Dalmeny Hotel, 19-23 South Promenade, Lytham St Annes, Lancashire, FY8 1LX.
- 1.3 Two documents are available with this note:
- ***A draft hearing timetable for stage 2 hearing sessions*** which sets out the issues to be discussed on each day. This is the first version and details may change.
 - ***Inspector's Matters, Issues and Questions for stage 2 hearing sessions*** which will form the basis for the discussions.

2 PROGRAMME OFFICER

- 2.1 The Programme Officer (PO) is Tony Blackburn who acts as an impartial officer of the Examination, under my direction, and is not an employee of the Council. His role is to:
- Liaise with all parties to ensure the smooth running of the examination.
 - Manage all the documents received and ensure they are recorded and made available to all parties.
 - Maintain the examination document list and library.
 - Act as the point of contact and assist me with all procedural and administrative matters.
- 2.2 All programming queries, practical and procedural points should be addressed to the Programme Officer. He will pass them on to me for a reply, if necessary, but carries his own authority to act in accordance with the regulations. The Programme Officer's contact details are set out above.

- 2.3 Copies of all examination documents are available to view on the Council's website. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be made.

3 SCOPE OF THE EXAMINATION AND INSPECTOR'S ROLE

- 3.1 My role is to assess whether the Plan has been prepared in accordance with the duty to cooperate, legal and procedural requirements and assess whether it is sound, in respect of the relevant legislation, associated regulations and the National Planning Policy Framework (the Framework).

- 3.2 As set out in the Framework¹, assessing soundness involves determining whether the Plan is:

- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- **Justified** – the most appropriate strategy when considered against the alternatives, based on proportionate evidence;
- **Effective** – deliverable over the Plan period and based on effective joint working; and
- **Consistent with national policy** – to enable the delivery of sustainable development in accordance with the policies in the Framework.

- 3.3 My starting point for the examination is that the Council has submitted a Plan which they consider is sound and legally compliant. Those seeking changes must demonstrate why the Plan does not meet these criteria and clearly set out what changes are necessary.

- 3.4 There are two ways by which changes can be made to the submitted plans:
(a) *Main modifications* recommended by the Inspector; and
(b) *Additional modifications* (often called *minor modifications*) made by the Council.

- 3.5 However I can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. *Main modifications* are changes which alone or in combination with others, would materially alter the Plan or policies and must be subject to consultation.

- 3.6 *Additional modifications* are those changes which do not materially affect the policies in the Plan. The Council has published a schedule of proposed minor modifications which it intends to incorporate into the Plan (SD014).

4 STAGE 2 HEARING SESSIONS – CONTENT AND PROCEDURE

Content

- 4.1 The stage 2 hearing sessions follow on from the stage 1 hearings held in March 2017. Discussions at stage 1 focussed on legal and strategic matters including the duty to cooperate, other legal compliance and procedural

¹ <http://planningguidance.communities.gov.uk/blog/policy/>

matters, objectively assessed housing and economic development needs and the development strategy.

- 4.2 I issued a letter to the Council dated 11 April 2017 setting out my interim findings on duty to cooperate and requested further evidence on the objectively assessed housing need (OAHN) (EL5.003a). I also asked the Council to consider main modifications to the Plan in relation to two specific matters. I issued further queries in relation to proposed changes to Policy DLF1 on 5 May 2017 (EL5.003d).
- 4.3 The Council's responses dated 3 and 10 May 2017 include some proposed main modifications and additional evidence on OAHN (EL5.003e-g). In my letter of 11 April 2017 I indicated that I would discuss these matters at stage 2 hearings. However I am now proposing to consider these matters following main modifications consultation which will take place after the stage 2 hearings.
- 4.4 Prior to the start of the first stage 2 hearing session I will be clarifying a number of points with the Council in relation to their recent submissions to me. However except on certain matters including site allocations and the changes to Policy H7 I am not proposing there to be any general discussion on the Council's recent submissions during stage 2. Representors will be given an opportunity to comment on the Council's updated evidence on OAHN and changes to the development strategy as part of main modifications consultation.
- 4.5 The hearing sessions will therefore focus on my stage 2 matters, issues and questions (MIQs). This will include consideration of housing and employment land supply and delivery (but not objectively assessed needs). Taking account of paragraph 3.3 above I do not propose to discuss any omission sites put forward by representors at this stage.

Procedure

- 4.6 Morning hearing sessions for stage 2 will commence at 1000 and finish around 1300 on each day and the afternoon sessions will commence at 1400 and finish at around 1700 each day unless stated otherwise. Lunch will normally be between 13:00 and 14:00 and there will be short breaks mid-morning and mid-afternoon as appropriate on each day.
- 4.7 The purpose of the hearings is to focus on the issues that I consider need further discussion. This is to enable me to obtain the information I need to come to a conclusion on the matters and issues before me. The hearings will be in the form of structured round table discussions which I shall lead. There will be no formal presentation of evidence or cross-examination. The discussion will focus on the issues in the programme together with any additional points or supplementary questions I wish to ask arising from any further written statements.
- 4.8 I will progress the hearings by drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to a decision on the relevant matters. All participants invited to attend individual sessions will have the opportunity to contribute to the discussions.

- 4.9 The purpose of the hearings timetable is to set out the issues and matters for each session to focus discussion. This is currently in draft and may be subject to change. The final version will be issued shortly before the hearings and will contain a list of participants invited to each session. In the meantime if you think that a change should be made to either an issue or the timetable, please inform the Programme Officer without delay, giving your reasons and I may consider it.
- 4.10 Please remember that all mobile phones and similar devices must be switched off (or on silent) when the hearings are in session.

5 PARTICIPATION AT THE HEARINGS AND FURTHER STATEMENTS

- 5.1 Only those seeking changes to the Plan in relation to the issues to be discussed have a right to be invited to and participate in relevant hearing sessions. However the sessions are open for anyone to observe.
- 5.2 Those who have made representations within the relevant time period should have already decided whether their views have been adequately expressed in written form or whether they wish to also present them at a hearing session. Both methods will carry the same weight and I will have equal regard to views put at the hearings or in writing. Attendance at a hearing session will only be useful and helpful to me if participants can engage in a debate and focus on specific matters.
- 5.3 Those wishing to participate in the hearing sessions must contact the Programme Officer as soon as possible and by Monday 12 June at the latest so that the timetable and other arrangements can be finalised. Please also let the Programme Officer know if any adjustments or arrangements need to be made to facilitate your attendance.
- 5.4 Anyone participating in the hearings may prepare a statement in response to my (MIQs) that I have identified for the particular session of interest. However this is not compulsory and should not merely repeat what is in the representations, nor stray beyond the issues to which each original representation refers.
- 5.5 If a statement is produced, this should be submitted by email to the Programme Officer by **21.00 hours on Monday 12 June**. In addition **four paper copies** of the statement should be sent to the Programme Officer at 15 Ottawa Close, Blackburn, BB2 7EB to be received promptly thereafter.
- 5.6 The examination documents are available on the Council's website. These include the Council's submitted Local Plan, background papers and other documents that parties may wish to refer to. Accordingly, participants should not attach extracts of these documents to statements. However it would be useful within your statement when referring to any of these documents to include the examination document number and relevant page numbers where possible.
- 5.7 Any additional submissions produced by participants should be succinct and avoid unnecessary detail and repetition. There is no need to re-state previous submissions as I will take these in to account. It is the quality of the reasoning that carries weight, not the scale of the documents or the

weight of the appendices. All further statements should be as short as possible and certainly no longer than 3,000 words. Appendices are not included in the word limit but these should only be submitted, suitably referenced, if they are essential. Any submissions that are of excessive length and/or containing irrelevant or repetitious material may be returned. No additional statements or documents will be accepted during the hearing sessions, unless I request them.

- 5.8 Unlike other participants, the Council is required to respond to each issue and question and therefore the 3,000 word limit does not apply to them. However any statements should still be succinct.

6 SITE VISITS

- 6.1 Insofar as I consider it necessary for my consideration of the soundness of the Plan I shall visit relevant sites and areas before, during or after the hearing sessions. I will do these unaccompanied unless I find that I need to access private land.

7 CLOSE OF THE EXAMINATION

- 7.1 Following the hearing sessions the Examination will remain open until my report is submitted to the Council. However I will not accept any further representations or evidence from any party unless I have requested it.

8 FURTHER INFORMATION

- 8.1 Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance* available at: <http://planningguidance.communities.gov.uk/> and the Planning Inspectorate's *Examining Local Plans Documents: Procedural Practice – June 2016 (4th edition v.1)* available at: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Yvonne Wright

INSPECTOR

15 May 2017