

# Fylde Council Local Plan 2011-2032

## EXAMINATION GUIDANCE NOTE Stage 3 - Update

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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 forthcoming stage 3 hearing sessions as part of the examination.
- 1.2 The stage 3 hearing sessions will commence at **10:00 am on Tuesday 12 December 2017** and finish on **Wednesday 13 December 2017**. 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 3 hearing sessions** which sets out the matters to be discussed. This is the first version and details may change.
  - **Inspector's Questions for stage 3 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 invited to attend the hearing sessions 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 Framework<sup>1</sup>, 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 3 HEARING SESSIONS – CONTENT AND PROCEDURE**

#### Content

- 4.1 The stage 3 hearing sessions follow on from the stage 1 and stage 2 hearings held in March 2017 and June 2017 respectively. They will focus on my stage 3 questions, which relate to the Council's new evidence and the representations submitted following the public consultation. As with the previous two stages there will be no discussion of omission sites.

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

- 4.2 As part of stage 3 I am also proposing to hold a short round up session to clarify points on any other matters, details of which will be made available closer to the hearings. In addition there will be a final session just with the Council, to discuss the wording of proposed main modifications. These sessions are open for anyone to observe.

Procedure

- 4.3 Morning hearing sessions for stage 3 will commence at 10:00 and finish around 13:00 on each day and the afternoon sessions will commence at 14:00 and finish at around 17:00 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.
- 4.4 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 my questions together with any additional points or supplementary questions I wish to ask arising from any further written statements.
- 4.5 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.
- 4.6 The hearings timetable is currently in draft and may be subject to change. The final version will be issued prior to the hearings and will contain a list of participants invited to each session.
- 4.7 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**

Participants

- 5.1 Only those who have made representations 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, including those supporting the plan. Please note that similar to stages 1 and 2 there will be no discussion of omission sites.
- 5.2 Representors who seek changes to the plan should decide 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 helpful to me if participants can engage in a debate and focus on the specific questions I have asked.
- 5.3 Those wishing to participate in the hearing sessions must contact the Programme Officer as soon as possible and **by 21:00 on Tuesday 28 November** 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.

Further written statements

- 5.4 Representors participating in the hearings should have already set out their full cases within their existing representations. As such there should ordinarily be no need for the production of further written statements in response to my stage 3 questions. However if participants do wish to produce further written hearing statements to supplement their original representations, they should please accord with the following guidelines:
- Statements should be limited to the stage 3 questions and be relevant to their original representation or relate to new matters that have arisen since the submission of original representations.
  - Statements should not repeat what is in previous representations as I will take these into account.
  - Statements should be submitted separated out under each session to be addressed. Where a representor wishes to respond on a number of sessions, separate statements should be produced.
  - They should be succinct, to the point and no longer than 3000 words long for each session. It is the quality of the reasoning that carries weight, not the scale of the documents.
  - Statements should be produced in A4 format where possible. The paper versions should be left unbound, but stapled and hole punched. Any A3 tables/plans or diagrams should be folded to A4.
  - Appendices are not included in the word limit but these should only be submitted if they are absolutely essential and appropriate references should be made to the parts that are being relied on.
  - All statements should be received by the deadline imposed. Late submissions are unlikely to be accepted.
- 5.5 Please note that any statements that are of excessive length and/or contain irrelevant or repetitious material may be returned.
- 5.6 If a statement is produced, this should be submitted, preferably by email, to the Programme Officer by **21:00 on Tuesday 28 November**. 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.
- 5.7 The examination documents are available on the Council's website. Accordingly, participants should not attach extracts of any 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.
- 5.8 Any additional submissions produced by participants should be succinct and avoid unnecessary detail and repetition. 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.

- 5.9 Unlike other hearing 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

6 November 2017