



The Planning Inspectorate

Independent Examination of the Chiltern and South Bucks Local Plan

Examination Guidance Note Stage 1

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Inspectors appointed by the Secretary of State

Date: January 2020

Introduction

- 1) The Chiltern and South Bucks Local Plan was submitted to the Secretary of State for examination on 26 September 2019. This Guidance Note provides further information on the procedural and administrative arrangements for participants.
- 2) All participants should familiarise themselves with the contents of the note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions.

The Role of the Planning Inspectors

- 3) The Local Plan is being examined by **Matthew Birkinshaw** BA(Hons) Msc MRTPI and **David Troy** BSc(Hons) MA MRTPI.
- 4) The Inspectors have been appointed by the Secretary of State. Their role is to examine whether or not the Local Plan has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, and, whether or not it meets the tests of 'soundness' set out in the National Planning Policy Framework (the 'Framework') (2019).
- 5) At all times the Inspectors will aim to work with the Councils and everyone else involved in the examination in a positive and pragmatic manner.

The Role of the Programme Officer

- 6) The appointed Programme Officer is Ian Kemp. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing the examination materials, maintaining the examination library and organising the hearing sessions. Communication between the Inspectors and representors is also handled by the Programme Officer, who can be contacted at:

Ian Kemp
Programme Officer
PO Box 241
Droitwich
Worcestershire
WR9 1DW

Telephone: 07723 009166
Email: idkemp@icloud.com

- 7) The Programme Officer is also responsible for making sure that the information regarding the examination and all relevant documents are made available on the examination websites:

<https://www.chiltern.gov.uk/examination>

<https://www.southbucks.gov.uk/examination>

- 8) Should any representors not have access to the internet, please contact the Programme Officer so that alternative arrangements can be made.

The Examination

- 9) The Framework requires that Local Plans are prepared in accordance with the Duty to Cooperate, meet legal and procedural requirements and are 'sound'.
- 10) As part of this process the Inspectors will need to determine whether or not:
- The Councils have complied with the Duty to Cooperate under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended);
 - The Local Plan has been prepared in accordance with the Local Development Scheme and Statement of Community Involvement;
 - The Local Plan has been subject to an adequate Sustainability Appraisal;
 - The requirements of the Conservation of Habitats and Species Regulations 2017 have been complied with, having regard to relevant national policy and guidance, and if an appropriate assessment has been carried out where necessary; and
 - Relevant publicity and procedural requirements have been met.
- 11) In terms of 'soundness', the Framework states that Plans are 'sound' if they are:
- **Positively prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified:** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective:** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy:** enabling the delivery of sustainable development in accordance with the policies in this Framework.

Changes to the Plan

- 12) The starting point is that the Councils should have submitted a Plan which they consider is ready for examination.¹ At this stage there are only two means by which changes can be made to the submitted Plan:
- 'Main Modifications' recommended by the Inspectors; and
 - 'Additional Modifications' made by the Councils upon adoption of the Plan.
- 13) Only the Inspectors can recommend 'Main Modifications' if they are necessary to resolve problems that would otherwise make the submitted Local Plan unsound, or not legally compliant². Main Modifications are changes which, either alone or in combination with others, would materially alter the plan or its policies. Any potential Main Modifications must be subject to consultation and, in some cases, further sustainability appraisal may be required.

¹ Section 20(2) of the Planning and Compulsory Purchase Act 2004

² Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

- 14) 'Additional Modifications' are changes that do not materially affect the plan (such as typographical errors, factual changes etc.) They are made by the Councils on adoption and are sometimes referred to as 'Minor Modifications'. The Inspectors are not accountable for any such changes and they do not fall within the scope of the examination³.

Modifications suggested by Chiltern and South Bucks Councils

- 15) Any post-submission changes to the Local Plan which are suggested by the Councils may be discussed, where appropriate, at the relevant hearing session. It is possible that Main Modifications may also be proposed and discussed during the hearings.

Hearing Sessions

- 16) The examination hearing sessions will take place in two stages. Stage 1 will consider the Duty to Cooperate, legal and procedural requirements and main strategic issues such as the spatial strategy and distribution of growth, housing and employment needs and the principle of changes to Green Belt boundaries. It will not cover individual site allocations. Such matters, including the non-strategic policies in the Plan will be discussed during hearing sessions in Stage 2.
- 17) At both stages the hearing sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspector(s) and are designed to allow the Inspector(s) to explore the matters raised. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
- 18) The hearings will be held at the Crowne Plaza Hotel Gerrards Cross, Oxford Road, Beaconsfield, HP9 2XE. Unless otherwise advertised the sessions will start at 10:00 (some sessions will start at 09:30 hours). The Inspectors will aim to finish no later than 17:00 hours each day. Breaks will be taken mid-morning, over lunch and mid-afternoon. In the event that any sessions run over, the Inspectors will endeavour to let participants know as soon as possible.
- 19) Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they have been allocated to the correct session, contacting the Programme Officer if unsure.
- 20) If anybody has any specific needs in relation to attending a particular session it is important that you let the Programme Officer know in advance.

Participation at the Hearings

- 21) Only those seeking to change the plan have a right to participate in the hearing sessions⁴. However, the sessions are open for anyone to observe.
- 22) It is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at the hearings is only necessary if you have specific points that you wish to contribute, including to any discussion.
- 23) The Inspectors' Matters, Issues and Questions ('MIQs') will form the basis of the discussions at the hearing sessions and have been published for Stage 1 alongside this Guidance Note. If you have any comments on the MIQs (for

³ See the Procedure Guide for Local Plan Examinations

⁴ S20(6) of the PCPA 2004

example, because you feel there may be a significant omission) it is important that you contact the Programme Officer no later than **7 February 2020**.

- 24) Also published alongside this Guidance Note is the Hearing Sessions Programme for Stage 1. This sets out which Matters will be discussed on each day. If representors wish to participate at the hearings, please let the Programme Officer know by **19 February 2020**. You should only attend a session if you have made a relevant representation seeking a change to the Plan.
- 25) A final version of the MIQs and Hearing Sessions Programme will be published on the examination website around two weeks before the start of the hearings, if any changes have been made. It will be for participants to check the progress of the hearings, either on the website or with the Programme Officer, and to ensure that they are present at the right time.

Hearing Statements

- 26) The Council should produce a Hearing Statement which responds directly to all the points raised in the MIQs. However, there is no need to repeat any answers provided in response to the Inspectors' Initial Questions.
- 27) Statements should be concise and focused. They should not exceed a maximum of 3,000 words per Matter and appendices should only be included where directly relevant and necessary. Statements should only answer the specific Matters, Issue and Questions which are directly relevant to the original representation and should clearly identify the topic to which they relate.
- 28) Statements should be provided for each Matter separately, and not bound as a single document. Where possible all statements should be submitted electronically. However, if this is not possible, participants should contact the Programme Officer in advance to make alternative arrangements.
- 29) If there is a single Matter that has been raised by the Inspectors, and one where several individuals (such as a group of local residents) wish to speak and make the same point, representors should consider producing a joint Hearing Statement. Please contact the Programme Officer to discuss if this is relevant.
- 30) All Hearing Statements must be submitted on time to the Programme Officer. Statements must be received no later than **25 February 2020**. Any Statements received after this deadline may be returned. Statements will be published on the examination website so that the other participants and interested parties may have access to them.
- 31) In responding to the MIQs participants should be aware of the Councils' response to the Inspectors' Initial Questions and additional documents which have been provided by the Councils post-submission. All of these documents are available to view and download on the examination website.
- 32) Representors that are not participating at the hearing sessions may also submit a Hearing Statement where necessary in direct response to the Inspectors' MIQs. However, this is optional, and is not a requirement of the Hearings. It is also not an opportunity to introduce further arguments or points which have not previously been made through representations to the Plan. No other written evidence can be submitted unless it is specifically requested by the Inspectors.

Statements of Common Ground

- 33) The Inspectors invite Statements of Common Ground between participants where they would assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the issues in dispute.
- 34) Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground, please make the Programme Officer aware.

Site visits

- 35) Prior to, and during the course of the examination the Inspectors will make site visits to the Plan area where necessary. Site visits will be carried out on an unaccompanied basis unless it is necessary to enter private land. In such circumstances the Programme Officer will make the necessary arrangements with the relevant parties.

Consideration of Alternative Sites not in the Submission Local Plan

- 36) Part of the Inspectors' task is to examine the soundness of the sites allocated for development in the submitted Plan. Those who have submitted representations to the effect that a site allocation or designation policy is unsound will be able to put their views forward at a relevant Hearing session, if they have made a request to do so. The Council will have the opportunity to respond.
- 37) Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to informally as 'omission sites'. A list of these sites has been published on the examination website. Please contact the Programme Officer if any sites have been omitted.
- 38) Representors should be aware that it is not part of the Inspectors' role to examine the soundness of the omission sites, and, subject to the legal right to be heard (see paragraphs above), such sites will not normally be discussed in detail at the Hearing sessions.
- 39) Instead, should the situation arise that additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), the Inspectors will look to the Councils in the first instance to decide which alternative or additional site(s) should be brought forward for examination. This process would be subject to consultation, and sustainability appraisal if required. Further hearing sessions might then be required to test the soundness of any additional site(s) proposed for inclusion in the Local Plan.

Examination Programme – Stage 1

- 40) Based on the above, the examination process and relevant dates are as follows:
- **28 January 2020** – publication of the Hearing Programme, Guidance Note and Matters, Issues and Questions for Stage 1;
 - **7 February 2020** – deadline for any comments on the Matters, Issues and Questions for Stage 1;
 - **19 February 2020** - deadline for confirming with the Programme Officer whether you wish to attend the Stage 1 hearing sessions;
 - **25 February 2020** – deadline for submission of Hearing Statements and Statements of Common Ground;
 - **17-24 March 2020** – Stage 1 Hearings

Examination Programme - Stage 2

41) Following the initial hearings sessions, the Inspectors will confirm when the examination will proceed to Stage 2. The second stage of hearings are expected to take place in May and June 2020 and will cover matters including the individual site allocations and non-strategic policies. Representors will receive notification of the Stage 2 hearings and additional MIQs and hearing statement deadlines will be published.

Closing the Examination and the Inspectors' Report

42) Following the Stage 2 hearings the relevant findings will be set out in the Inspectors' Report, or in some cases, through Interim Findings. The Report will be sent to the Councils at the end of the examination and will set out the conclusions, and where necessary, any Main Modifications to make the Plan sound and/or legally compliant.

43) The examination will remain open until the Report has been submitted to the Councils. During this time no further written submissions or evidence will be taken into account unless specifically requested.

Further information

44) Further information about the preparation and examination of Local Plans can be found in the Planning Inspectorate's Procedure Guide for Local Plan Examinations (5th Edition, June 2019).
(<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>)

Matthew Birkinshaw and David Troy

Inspectors