

# **Independent Examination of The Allerdale Local Plan (Part 2) Sites Allocations**

## **Examination Guidance Note**

**David Troy BSc (Hons) MA MRTPI**

**Inspector appointed by the Secretary of State**

**Date: 14 March 2019**

## **1.0 Introduction**

- 1.1 The Allerdale Local Plan (Part 2) Site Allocations Document was submitted to the Secretary of State for Examination on 18 January 2019.
- 1.2 This Guidance Note provides further information on the procedural and administrative arrangements for the Examination.

## **2.0 The Role of the Planning Inspector**

- 2.1 The Local Plan is being examined by David Troy BSc (Hons) MA MRTPI.
- 2.2 The Inspector has been appointed by the Secretary of State. The role of the Inspector 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).
- 2.3 At all times the Inspector will aim to work with the Council and everyone else involved in the Examination in a positive and pragmatic manner.

## **3.0 The Role of the Programme Officer**

- 3.1 The appointed Programme Officer is Kerry Trueman. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing all of the Examination materials, maintaining the Examination library and organising the Hearing Sessions. Communication between the Inspector and the participants is also handled by the Programme Officer, who can be contacted as follows:

Name: Kerry Trueman Programme Officer Programme Officer Solutions Ltd 32 Devonshire Place Prenton Wirral CH43 1TU Telephone: 0758 2310364 Email: Kerry.trueman@allerdale.gov.uk
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- 3.2 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 Website:  
<https://www.allerdale.gov.uk/en/siteallocations/examination-library/>
- 3.3 Should any participants not have access to the internet, please contact the Programme Officer so alternative arrangements can be made.

## 4.0 The Examination

- 4.1 The Framework requires that Local Plans are prepared in accordance with the Duty to Cooperate, meet legal and procedural requirements and are 'sound'. To meet the tests of soundness plans should be positively prepared, justified, effective and consistent with national policy.
- 4.2 As part of this process the Inspector will need to determine whether or not:
- The Council has complied with the Duty to Cooperate under Section 33A of the Planning and Compulsory Purchase Act (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 Habitats and Species Regulations 2010 have been complied with, having regard to relevant national policy and guidance, and if the Plan would have a significant effect on a European Site, that an appropriate assessment has been carried out; and
  - Relevant publicity and procedural requirements have been met.
- 4.3 In terms of 'soundness' the Framework advocates that the Plan should be:
- **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 reasonable alternatives, and based on proportionate evidence;
  - **Effective:** Deliverable over the plan period based on effective joint working on cross-boundary strategic policies;
  - **Consistent with national policy:** enables the delivery of sustainable development in accordance with the Framework.

## 5.0 Changes to the Plan

- 5.1 The starting point is that the Council should have submitted a local plan which they consider is ready for examination<sup>1</sup>. At this stage there are only two means by which changes can be made to the submitted plan:
- 'Main Modifications' recommended by the Inspector; and
  - 'Additional Modifications' made by the Council upon adoption of the Plan.
- 5.2 Only the Inspector can recommend 'Main Modifications' if they are necessary to resolve problems that would otherwise make the submitted Local Plan unsound, or not legally compliant<sup>2</sup>. Main modifications are changes which, either alone, or in combination with others, would

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<sup>1</sup> Section 20 (2) of the Planning and Compulsory Purchase Act 2004

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

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.

- 5.3 'Additional Modifications' are changes that do not materially affect the plan (such as typographical errors, factual changes etc). They are made by the council on adoption and are sometimes referred to as 'Minor Modifications'. The Inspector is not accountable for any such changes and they do not fall within the scope of the Examination<sup>3</sup>.

## **6.0 Modifications suggested by Allerdale Council**

- 6.1 A number of post-submission changes to the Plan have already been suggested by the Council<sup>4</sup>. These may be discussed, where appropriate, at the relevant Hearing sessions. It is possible that Main Modifications may also be proposed and discussed during the Hearings.

## **7.0 Progressing your Representations on the Plan**

- 7.1 Only those seeking to change the plan have a right to participate in the Hearing sessions<sup>5</sup>. However, the sessions are open for anyone to observe.
- 7.2 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, in the light of the matters, issues and questions, you have any specific points you wish to contribute to at the Hearing, including to any discussion.
- 7.3 The Draft Inspector's Matters, Issues and Questions for Examination ('MIQ's) will form the basis of the discussion at the Hearing sessions. If you have any comments on this document (for example because you feel there may be a significant omission) it is important that you contact the Programme Officer no later than **Friday 5th April 2019**.
- 7.4 Published alongside the MIQs is a draft Hearings Programme. This sets out which matters will be discussed on each day and includes a list of participants. If you no longer wish to participate, or if you think that you should attend a different session to the one listed, please contact the Programme Officer by **Friday 5th April 2019**. Alternatively, if you wish to speak at the hearing sessions please confirm this in writing with the Programme Officer by the same date stating which session or sessions you wish to speak at (referring to the Matter number and quoting the respondent ref. no). If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. You should only attend a session if you have made a relevant representation seeking a change to the Plan.

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<sup>3</sup> See paragraph 3.4, 5.27 and 6.2 of the Examining Local Plans Procedural Practice.

<sup>4</sup> CD16, CD17, CD18 and CD18a

<sup>5</sup> S20 (6) of the PCPA 2004

7.5 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.

## **8.0 Hearing Sessions**

8.1 The sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspector. Hearings are designed to allow the Inspector to explore the matters raised in the MIQs. 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.

8.2 The Hearings will commence on **Tuesday 14th May 2019** and will be held at the Washington Central Hotel Workington CA14 3AY during the first week. The Hearings commencing on Tuesday 21 May will be held in the Council Chamber at the Council Offices at Allerdale House, Workington CA14 3YJ in the second week.

8.3 The Hearings will start at 10:00 each morning and will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning, over lunch and mid-afternoon.

8.4 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. As identified above, you should only attend a session if you have made a representation seeking a change to the Plan.

8.5 When invited to take part in a Hearing session, participants on arrival are asked to find their nameplate and take their place at the table. During the discussion, the nameplate can be stood on end to indicate a wish to speak. Only one seat is provided per Representor but participants may change round during the proceedings according to their subject of interest. In view of their particular position in covering the whole Plan, two or sometimes more Council representatives may sit at the table, depending on the subject under discussion.

8.6 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.

8.7 Members of the public not involved in the Hearings may of course attend to observe.

## **9.0 Hearing Statements**

9.1 The Council should produce a Hearing Statement which responds directly to all the points raised in the Inspector's MIQs. However, there is no need

to repeat any answers provided in response to the Inspector's Initial Questions.

- 9.2 Any representors who have made comments seeking a change to the Plan and who are invited to the Hearing Sessions may also submit Statements in response to the Inspector's MIQs. This however, is optional and is not a requirement of the Hearings.
- 9.3 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 to the specific Matters, Issue and Questions which are directly relevant to the original representation, and should clearly identify the relevant topic to which they relate.
- 9.4 Statements should be provided for each Matter separately and not bound as a single document.
- 9.5 If there is a single Matter that has been raised by the Inspector 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.
- 9.6 All Hearing Statements must be submitted on time and received in paper form and electronically no later than **5.00pm on Wednesday 17th April 2019**. Any Statements received after this deadline may be returned by the Programme Officer. Statements will be published on the Examination website so that the other participants and interested parties may have access to them.
- 9.7 In responding to the MIQs participants should be aware of the Council's response to the Inspector's Initial Questions. All of these documents are available to view and download on the Examination website.
- 9.8 If anyone does not have access to the internet, please contact the Programme Officer.
- 9.9 Representors that are not participating at the Hearing Sessions may also submit an additional Written Statement where necessary in direct response to the Inspector's MIQs. However, this is not an opportunity to introduce further arguments and the format and length of Written Statements is the same as for Hearing Statements.
- 9.10 No other written evidence can be submitted unless it is specifically requested by the Inspector.

## **10.0 Statements of Common Ground**

- 10.1 The Inspector invites 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 issue in dispute.

- 10.2 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.

### **11.0 Site Visits**

- 11.1 Prior to and during the course of the Examination the Inspector 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.

### **12.0 Consideration of Alternative Sites not in the Submission Local Plan**

- 12.1 Part of the task of the Inspector is to examine the soundness of the sites that are allocated for development in the submitted Local Plan and other policy designations (including for example Amenity Green Space and Green Gaps). 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.
- 12.2 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' or 'discarded sites'. A list of these sites has been published on the Examination website<sup>6</sup>. Please contact the Programme Officer if any sites have been omitted.
- 12.3 Representors should be aware that it is not part for the Inspector's role to examine the soundness of the omission sites, and subject to the legal right to be heard (see paragraphs 7.1–7.5 above), such sites will not normally be discussed in detail at the Hearing sessions.
- 12.4 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 Inspector will look to the Council 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.

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<sup>6</sup> SD1, SD2, SD3, SD4, SD5 and SD6

### **13.0 Examination Programme**

13.1 Based on the above Examination process and relevant dates are as follows:

- **5th April 2019** - The deadline for confirming whether you wish to participate (speak) at the Hearing sessions, wish to attend an alternative session(s) or do not wish to be heard. This must be confirmed in writing with the Programme Officer by **5.00pm on Friday 5th April 2019**.
- **17th April 2019** - Statements for the Hearing sessions should be based on the Inspector's Matters, Issues and Questions and must be submitted to the Programme Officer at the address set out in Section 3.0 above by **5.00pm on Wednesday 17th April 2019**.
- The Hearing Sessions will start on **Tuesday 14 May 2019** at **10.00am**.

### **14.0 Closing the Examination and the Inspector's Report**

14.1 The relevant findings will be set out in the Inspector's Report, or in some cases, through Interim Findings. The Report will be sent to the Council 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.

14.2 The Examination will remain open until the Report has been submitted to the Council. During this time no further written submissions or evidence will be taken into account until specifically requested.

### **15.0 Further information**

15.1 Further information about the preparation and examination of Local Plans can be found in the national Planning Practice Guidance  
<https://www.gov.uk/government/collections/planning-practice-guidance>

and the Planning Inspectorate's Procedural Practice in the Examination of Local Plans – June 2016 (4th Edition v.1)

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

*David Troy*

Inspector  
14 March 2019