

Inspector's Note on the Examination Process and Key Dates

Inspector's note on the process and procedures, and notice of a future call for statements

1 The purpose of the examination

The examination takes place under S20 of the Planning & Compulsory Purchase Act 2004, as amended. Its purpose is to assist me in assessing whether the local plan has been prepared in accordance with the Duty to Co-operate (DtC) and other legal and procedural requirements, and whether it is 'sound'.

A 'sound' local plan is one which has been:

- 'positively prepared' (that is, it provides a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development),
- 'justified' (that is, the plan is the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence),
- 'effective' (that is, the plan is deliverable over its period and is based on joint working on cross-boundary strategic priorities), and
- 'consistent with national policy' (that is, the plan enables the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework - NPPF).

My first duty is to consider whether the DtC has been met. If not, it must fail. If I am satisfied that the Duty has been fulfilled, I must consider whether the plan has any failures of soundness and/or legal compliance. If so, the Council can ask me to make any 'modifications' which would make it sound and/or legally compliant.

2 The Programme Officer

I will be assisted during the examination by the Programme Officer, Louise St John Howe, who is an independent person working under my direction. She liaises with District Council officers to make the arrangements for the hearings, marshals the submitted documentation, and provides the channel of communication between myself, the Council and all participants. Her contact details are:

Address: PO Box 10965, Sudbury, Suffolk CO10 3BF
Email: programmeofficer@uttlesford.gov.uk
Telephone: 07789-486419

Ms St John Howe will be able to advise participants and members of the public about the form and progress of the hearings sessions. Information will also be available on the examination webpage at www.uttlesford.gov.uk/localplanexamination

Any participant with a disability that could affect their contribution to the examination should contact the Programme Officer as soon as possible so that any necessary assistance can be provided.

3 The likely dates of the hearings sessions

The hearings sessions are expected to take place during two weeks commencing 17 November and 1 December, commencing every day at 10.00. There will be no hearing sessions during week beginning 25th November.

Since I do not intend to hold a pre-hearings meeting this note is intended to explain the form of the hearings and outline the process of preparing for them.

4 The form of the hearings sessions

The sessions will take the place of informal round-table discussions following an issue-specific agenda set by me and made available about 2 weeks before any related session. Discussion will focus on particular matters identified by me as likely to be fundamental to my conclusions on the legal requirements and soundness of the plan. They will not be an opportunity for participants to rehearse cases already put in writing.

Anyone may attend the hearings sessions but participation in the discussion is open only to those who made representations to the plan or other persons invited by me to appear because I consider their contribution necessary to a decision about the plan's soundness.

5 Key stages in the process of preparation for the hearings

5.1 I have today (21 August 2014) issued a separate note headed '*Uttlesford Local Plan examination: Inspector's initial soundness concerns and questions to the Council*'. This sets out a range of legal and soundness-related matters and queries identified through my reading the plan (ULP), the representations and the main 'submission documents' provided by the Council. These concerns and questions identify most, if not necessarily all, of the main issues which will need to be covered at the hearings. This is an invitation to the Council to respond to all the issues and questions in the above note by 16 September 2014.

5.2 After I have received the Council's response I shall (on about 26 September) prepare a call for the Council and those who have made representations to submit written views on any of the matters which will be identified in the call. These are likely to be required to be submitted by 17 October 2014. I shall use these statements to assist me in preparing discussion notes that I will circulate to form the daily agenda

for each session. All submitted statements will be placed on the examination webpage.

Key points to note are:

- the starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan;
- although the representations provide a first basis for considering the legal requirements and soundness of the plan, an Inspector is not required to pursue each and every point made, or to report on them.
- it is not an Inspector's role to improve the plan or to make it 'more sound', but only to address unresolved soundness or legal compliance issues make recommendations about upon any 'modifications' which could overcome them;
- an Inspector must exercise his/her duties under S39 of the Act with the objective of contributing to sustainable development, taking account of the presumption in favour of sustainable development in the NPPF.

6 Modifications to the plan

Under S20(7C) of the Act the Council can ask an Inspector to recommend any modifications necessary to overcome defects of soundness or legal compliance other than the DtC. Any such potential modifications will be posted on the examination webpage as soon as possible and all will be formally advertised after the final hearing session in order not to prejudice third party rights to comment. I would consider any responses made to such modifications within a prescribed timescale before issuing my report. Modifications may need to be covered by a revised process of Sustainability Appraisal.

7 Site Visits

I shall visit sites important to my understanding of the soundness of the plan before, during, or after the hearings sessions. This will normally be done unaccompanied unless it is necessary to enter onto private land in order to appreciate the issues involved.

8 Procedure after the hearings

Following the close of the hearings I will prepare a report for the Council setting out my conclusions and any recommended modifications to the plan. The expected arrival date of my report will be announced at the last hearing session. If the Council decides to adopt the plan it will have to include those recommended modifications.

Roy Foster
Inspector

21 August 2014