

Examination of the Fareham Local Plan 2037

Examination Guidance Note

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Inspector appointed by the Secretary of State

Date: 11th January 2022

Introduction

- 1) The *Fareham Local Plan* was submitted to the Secretary of State for examination on 30 September 2021.
- 2) This Guidance Note provides further information on the procedural and administrative arrangements for the examination.

The Role of the Planning Inspector

- 3) The Local Plan is being examined by **Helen Hockenhill** BA(Hons) B. Pl MRTPI.
- 4) The Inspector has been appointed by the Secretary of State. Her 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').
- 5) 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.

The Role of the Programme Officer

- 6) The appointed Programme Officer is Kerry Trueman. 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 the participants is also handled by the Programme Officer, who can be contacted at:

Telephone: 07582 310364

Email: programmeofficer@fareham.gov.uk

- 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 website:

http://www.fareham.gov.uk/planning/local_plan/examination/examination_library.aspx

- 8) Should any participants 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'. To meet the test of soundness plans should be positively prepared, justified, effective, and consistent with national policy.

10) 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 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 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; and
- **Consistent with national policy:** enables the delivery of sustainable development in accordance with the Framework.

Changes to the Plan

12) The starting point is that the Council should have submitted a Plan which they consider is ready for examination. 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 Council upon adoption of the Plan

Only the Inspector can 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, 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.

- 13) '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'. They do not fall within the scope of the examination.

Progressing your Representations on the Plan

- 14) Only those seeking to change the Plan have a right to participate in the hearing sessions. However, the sessions are open for anyone to observe.
- 15) 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 light of the Inspectors' *Matters, Issues and Questions for Examination* ('MIQs') you have specific points you wish to contribute at the hearing, including to any discussion.
- 16) Published alongside the MIQs is the *Hearing Programme*. This sets out which Matters will be discussed on each day. Participants should contact the Programme Officer by **5pm on Friday 28th January 2022** to request their attendance, and to confirm which session(s) they would like to attend. However, you should only attend a session if you have made a relevant representation seeking a change to the Plan.
- 17) A final version of the MIQs and Programme will be published on the examination website around two weeks before the start of the hearings. 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 Session Format

- 18) It is assumed that the **hearing sessions will take place virtually**. If Covid restrictions change it may be possible to hold the hearings face to face. Participants will be kept informed by the Programme Officer and on the Examination webpage.
- 19) Instructions on how to join the virtual hearings and guidance on how a virtual hearing will be run, will be issued before the start of the sessions.
- 20) The hearings 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.

- 21) The hearings will commence on **Tuesday 8 March 2022** starting at 10am unless otherwise advertised, with some sessions starting at the earlier time of 09:30am (please refer to the Examination Hearing Programme). Breaks will be taken mid-morning, over lunch and mid-afternoon.
- 22) Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they are participating in the correct session, contacting the Programme Officer if unsure.
- 23) 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.

Hearing Statements

- 24) The Council should produce a hearing statement which responds directly to all the points raised in the Inspectors' MIQs. However, there is no need to repeat any answers provided in response to the Inspectors' Initial Questions.
- 25) Any representors who have made comments seeking a change to the Plan and wish to participate at 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.
- 26) 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.

Statements should be provided for each Matter separately, and not bound as a single document.

- 27) 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 statement. Please contact the Programme Officer to discuss if this is relevant.
- 28) All statements must be submitted on time. Statements for sessions in Weeks 1 and 2 must be received electronically no later than **5pm on Friday 18 February 2022**. Statements for Weeks 3 and 4 should be received no later than **5pm on Friday 11 March 2022**. Should any participants not be able to submit statements electronically, please contact the Programme Officer so that alternative arrangements can be made.
- 29) 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.

- 30) In responding to the MIQs participants should be aware of the Council's response to the Inspectors' Initial Questions. All of these documents are available to view and download on the Examination website.
- 31) Representors that are not participating at the hearing sessions may also submit an additional written statement where necessary in direct response to the Inspectors' 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. No other written evidence can be submitted unless it is specifically requested by the Inspector.

Statements of Common Ground

- 32) 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.
- 33) 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

- 34) 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.

Consideration of Alternative Sites not in the Submission Local Plan

- 35) 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.
- 36) Sites that have been put forward for inclusion in the Plan by objectors, but which have not been selected for allocation are referred to informally as 'omission sites'. 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.

- 37) 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.
- 38) Further hearing sessions might then be required to test the soundness of any additional site(s) proposed for inclusion in the Plan.

Examination Programme

- 39) Based on the above, the relevant dates are as follows:
- 11th January 2022 - publication of the *Hearing Programme, Guidance Note* and *Inspectors' Matters, Issues and Questions for Examination*.
 - 28th January 2022 - deadline for confirming with the Programme Officer whether you wish to attend the hearing sessions, and which session you will be attending
 - 18th February 2022 – deadline for submission of hearing statements for Weeks 1 and 2.
 - 11th March 2022 – deadline for submission of hearing statements for Weeks 3 and 4.
 - 8– 10 March 2022 – Week 1 hearing sessions
 - 15-17 March 2022 – Week 2 hearing sessions
 - 29-31 March 2022 – Week 3 hearing sessions
 - 5-7 April 2022 – Week 4 hearing sessions.

Closing the Examination and the Inspector's Report

- 40) 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 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.
- 41) 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 unless specifically requested.

Further information

- 42) Further information about the preparation and examination of Local Plans can be found in the national Planning Practice Guidance and the Planning Inspectorate's Examining Local Plans Documents: Procedural Practice – June 2016 (4th Edition v.1)

Helen Hockenhull
INSPECTOR

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