

# Examination of the East Devon Villages Plan

## GUIDANCE NOTE FROM THE INSPECTOR

### Introduction

1. The purpose of this note is to explain the procedural and administrative matters relating to the Examination of the East Devon Villages Plan (EDVP). The Hearings part of the Examination will open at **10.00am on Tuesday 7 November 2017** at the **Council Chamber, East Devon District Council, Knowle, Sidmouth, Devon, EX10 8HL.**

### The Inspector's Role and the Purpose and Scope of the Examination

2. My task is to consider whether the EDVP complies with the relevant legislation and is sound. The National Planning Policy Framework (the Framework) indicates that to be sound, a local plan must be:
  - **positively prepared** - based on a strategy that 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** - the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - **effective** - deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **consistent with national policy** - enable the delivery of sustainable development in accordance with the policies in the Framework.
3. The basis for the Examination is that the Council has submitted what it considers to be a sound plan. Those seeking changes to the EDVP must demonstrate with reference to the above tests, why the plan is unsound and why their suggested changes would make it sound. Please note that it is not my role to 'improve' the Plan. I can only recommend main modifications to rectify issues of soundness. My report will consider the broad themes of soundness and will not directly respond to individual representations.

### Matters and Issues for Examination

4. It is necessary to be clear about what is to be examined. The East Devon Local Plan 2013-2031 (EDLP) sets out strategic policy for development across East Devon and the full suite of policies for the seven main towns of the district, the West End and countryside areas, but not those villages with/proposed to have Built-up Area Boundaries (BUABs). It also sets out the Development Management Policies against which any planning application will be assessed.
5. The EDLP states that a Village Development Plan Document will be produced separately from the main local plan document and that it will be concerned with development boundaries around villages, allocations of land for development at these villages and other policies that may be applicable at or for villages. The East Devon Local Development Scheme (EDLDS) states that the Villages Plan will be specifically concerned with development issues in and around key villages of East Devon and town of Colyton and that it will also address Greendale and Hill Barton Business Parks.

6. It is not for me to re-examine issues that were covered in the examination of the EDLP which will remain extant, and my Examination will confine itself to the role of the EDVP only. For example therefore, any consideration of the overall development strategy for East Devon, objectively assessed housing and employment need, the location of employment growth and specific allocations identified in the EDLP are beyond the scope of this Examination. In this respect I wish to draw attention to the Court of Appeal Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016) (paragraph 38 of the Judgment).

### **The Programme Officer**

7. The Programme Officer (the PO) for the Examination is Mr Ian Kemp. He is an impartial officer for the purpose of the Examination, working under my direction. Mr Kemp can be contacted by telephone on 01527 861711 or 07723 009166, by email at [idikemp@icloud.com](mailto:idikemp@icloud.com) or by post at 16 Cross Furlong, Wychbold, Droitwich Spa, Worcestershire, WR9 7TA.
8. The PO's main tasks are to liaise with all parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed, to maintain the Examination library (mainly in electronic form) and to assist me with procedural matters. He is your first point of contact.
9. During the Examination the PO will be able to tell you how closely the Hearing sessions are following the circulated programme, as it is possible that the times of Hearings may change. Alternatively, you will be able to view a regularly updated programme on the Examination website:  
<http://eastdevon.gov.uk/planning/planning-policy/villages-plan/villages-plan-2017/villages-plan-examination/>
10. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that anyone wishes to raise with me prior to the Hearings should be made through the PO.

### **The Programme for the Hearings and the Matters for Examination**

11. The Hearing sessions will focus on the Matters, Issues and Questions which I have identified, assisting me to produce a short, focused report. The Council's consultation statement and all representations received are available on its website.
12. My initial thoughts as to the Matters, Issues and Questions for discussion are detailed in the accompanying document. However, the precise Issues and Questions which need to be discussed at the Hearings may change, in the light of the submitted statements and any other evidence.
13. It is the responsibility of individual participants to check the progress of the Hearings either on the Examination website or with the PO, and to ensure that they are present at the right time.

### **Further statements based on Inspector's Matters, Issues and Questions**

14. Any representor may submit a further statement in support of their original representation in advance of the Hearings. However, if a further statement is submitted it should address only the Matters, Issues and Questions that I have

identified and should be limited to those questions directly related to the scope of the original representation. There is no need to re-state points already made but neither should wholly new arguments or important information, which ought to have been provided during the consultation, be put forward. A separate statement should be provided for each Matter addressed.

15. Oral and written representations carry equal weight, therefore there is no requirement to submit a further statement and you may rely on your original representation if you wish to do so.
16. All statements, whether electronic and/or in paper form, should be sent to the PO by **5pm on 13 October 2017**. No new evidence or documents should be submitted at the Hearings or afterwards unless specifically requested.
17. It would be helpful to me if statements focused on:
  - What part of the Plan is unsound?
  - Which soundness test of those set out in paragraph 182 of the Framework (and set out in paragraph 3 above) does it fail?
  - Why does it fail (probably summarising the key parts of your original representation)?
  - How can the Plan be made sound?
  - What is the precise change/wording that you are seeking?
18. Appendix A sets out the requirements for the presentation of all statements. Statements should be concise and focused. Any not conforming to the format and deadline will be returned. Please note the **3,000 word limit**.
19. Statements are also required from the Council, setting out its responses to the Matters, Issues and Questions, explaining why it considers the EDVP to be sound in these respects. Whilst there is no necessity to deal directly and in detail with all representations, the Council may wish to respond to any representations that it feels are of particular significance or concern. Because of this the Council's statements are not subject to the 3,000 word limit; nevertheless they should still be concise. In addition, its statements should be submitted within the same timescale as others.
20. I have already raised a number of questions directly with the Council and before the start of the Hearing sessions I may raise additional questions. Such questions, and any answers, are placed on the Examination website (see Procedural Correspondence section). If, as a result of these exchanges it becomes clear that certain matters are no longer in contention, the Hearings programme may be revised and participants advised accordingly.

### **The Hearing sessions**

21. The Hearing sessions will start at 10.00am on the first day and at 9.30am on subsequent days. The Hearing sessions will continue through the day with breaks as appropriate. Afternoon sessions will normally begin at 2.00pm. Please inform the PO if you have any time constraints. The format will be that of a structured, focussed discussion which I will lead. Most Hearings will have a number of participants and will follow a round table format.
22. Representations received in writing carry equal weight to any oral contributions made during the Hearing Sessions. For representors who do not wish to attend the Hearings or submit further written material, I can confirm you need take no further action and your written comments will remain a consideration for me

throughout the Examination process. Representors who wish to appear at the Hearing Sessions and participate in the discussions should notify the PO of their intention to do so. It is not necessary to attend the Hearings if you agree with the Council and support the EDVP because the Council will effectively be representing your views. Only those who have made representations relevant to making the plan sound or legally compliant have the right to participate and speak but the Hearings will be held in public and open to all those who wish to come and observe. Expressions of interest from representors to participate in a Hearing session should be provided to the PO by **13 October 2017**.

23. Before the Hearings I will have read all the Statements submitted (by the deadline) in response to my questions. I will assume that all other participants will have read the relevant submissions. Those participating may bring professional advocates with them, although there will be no formal presentation of evidence or cross-Examination. There will be opportunities for respondents to ask questions of the Council and other respondents, and vice versa. I will lead these discussions.
24. Please keep the PO informed about who will be speaking at the sessions. Agendas setting out the order of topics for discussion will be circulated in advance of the Hearings. Generally, only one seat will be available at the table for each participant but a hot-seating arrangement will be acceptable. Where a number of participants share similar viewpoints it will be helpful if a spokesperson is appointed.
25. Only those seeking changes who have made representations relevant to the discussion of an issue at a Hearing session, and have indicated that they want to participate, will be allowed to speak.

#### **Site visits**

26. I will visit the area and the villages and town included in the Plan before, during or after the Hearings. This will be done unaccompanied and from roads or other public land, unless it is absolutely necessary to go onto private land in which case the PO will liaise as necessary to make arrangements. If an accompanied site visit is necessary, it will not be the opportunity for discussion of the merits of the cases concerned.

#### **Closure of the Examination and Production of the Inspector's Report**

27. After the Hearings, when I am satisfied that I have all the information necessary to come to reasoned conclusions on the issues, I will prepare a report for the Council. The Examination remains open until the report is submitted to the Council. However, once the Hearings are completed, no further information from any party can be given to me unless specifically requested.
28. If I find that the plan, as submitted, is not sound, I may, if requested to do so by the Council, propose Main Modifications in order to make it sound. If Main Modifications are requested it is hoped that many if not all would be based on proposals put forward by the Council in response to points raised and suggestions made during the Examination. Such proposed Main Modifications would need to be subject to a process of publicity and opportunity to make representations and may require further Sustainability Appraisal. I will then proceed to finalise my report, in the light of the evidence and representations. The report will deal only with broad issues and the focus will be on the soundness and legal compliance of the plan, not on individual representations.

It will be for the Council to make any arrangements for the publication of the report.

29. On adoption, the Council may also make minor changes to the plan, known as Additional Modifications, such as corrections and clarifications which do not change the meaning or scope of a policy and do not need to be subject to further consultation or Sustainability Appraisal.

*Beverley Doward*

INSPECTOR

## Appendix A – Format for Statements

- A1. Statements should be no longer than is necessary to deal with the subject matter, and in any event must contain no more than **3,000 words** per matter. This limit will be strictly applied. Statements should address the issues and questions relevant to the content of your original representation. Any plans, diagrams or statistical tables should be attached as Appendices (see below).
- A2. All submissions should be succinct, whether main Statements or Appendices. They should avoid unnecessary detail and repetition of the original representation and should not duplicate or contain extracts from any publication already before the Examination, such as the evidence base and nationally available Government guidance, which may be among the Examination Documents on the Examination website – a paragraph or page reference will suffice. It is the quality of the reasoning that carries weight, not the bulk of the documents.
- A3. Electronic submission of statements is encouraged. This should be in Word or PDF format and should be emailed to the PO for the Examination website. In addition **3** paper copies of statements are required.
- A4. Statements should be prepared on A4 sized paper, printed on both sides and **not bound** but just stapled. All written submissions should be **paginated** and have a **contents page**. Any photographs should be submitted in A4 format and should be clearly labelled and annotated.
- A5. Appendices should also have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness. Any supporting material should be limited to that which is essential and not contain lengthy extracts from any publication that is already before the Examination.
- A6. Separate statements should be provided for each Matter addressed, with the relevant Issue and Question numbers clearly identified.
- A7. All participants should adhere to the timetable for submitting Statements. Late submissions and additional material are unlikely to be accepted on the day of the relevant Hearing session since this can cause disruption and result in unfairness and might result in an adjournment of the Hearing. If material is not received by the deadlines detailed below, it will be assumed that you are relying on your original representations.
- A8. All Statements and any supporting material should be received by the PO by **5pm** on **13 October 2017**. This deadline refers to the receipt of both paper and electronic copies of statements. It is not sufficient to send an electronic copy by the deadline, to be followed by paper copies at a later time.