

## East Devon District Council

### New Local Plan 2006-26 Examination

#### Guidance notes for participants

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Dip RSA

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#### Key Dates

(See guidance notes for further explanation)

Representors to notify Programme Officer of intention to participate in the Hearings	16 December 2013
Comments on matters & issues	16 December 2013
Deadline for Statements	17:00 10 January 2014
Hearings commence	10:00 11 February 2014 Council Offices, Knowle, Sidmouth

## Introduction

1. Inspector Anthony Thickett BA(Hons) BTP MRTPI Dip RSA has been appointed by the Secretary of State for Communities and Local Government to examine the soundness of East Devon District Council's Local Plan. This guidance note explains the procedural and administrative matters relating to the examination.
2. The Programme Officer for the examination is **Amanda Polley**. Her contact details are set out at the front of this note. Amanda Polley is acting as an independent officer for the examination, under the Inspector's direction and will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting the Inspector with procedural and administrative matters. She will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise should be addressed to the Programme Officer.
3. Information about the progress of the examination and links to documents are provided on the Council's examination website.
4. Additions will be made to the web site throughout the examination and it is not unusual for new documents to be added on a regular basis during the hearings section of the examination. The Programme Officer will not be able to notify representors of changes and it is up to representors to check the web site for any changes/additions.

## Purpose and scope of the examination

5. The Inspector's role is to consider whether the Local Plan meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations and whether it is sound in accordance with the guidance in the National Planning Policy Framework.
6. To be sound the Plan must be:
  - Positively prepared:** based on 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:** the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;
  - Effective:** deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and
  - Consistent with national policy.**
7. In addition, the examination must consider whether the Local Plan satisfies legal and procedural requirements; whether it has been subject to Sustainability Appraisal and Habitats Regulations Assessment and whether the Duty to Cooperate has been met<sup>1</sup>.
8. The starting point is that the Council has submitted what it considers to be a sound plan. The Council should rely on evidence collected while preparing the Local Plan to demonstrate that it is sound. Those seeking changes to the Plan have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations to the Local Plan will be considered insofar as they relate to soundness and legal requirements. However, they will not be individually reported on.

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<sup>1</sup> Section 33A of the Localism Act 2011

9. Some representors have already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. **Both methods carry the same weight.**
10. Only those parties seeking specific changes to the Local Plan are entitled to participate in the hearing sessions of the examination, and there is no need for those supporting or merely making comments on the plan to attend. **In order that the programme can be finalised, those representors who indicated that they wish to participate in hearing sessions must confirm with the Programme Officer that they still wish to do so by 16 December 2013. If you do not respond by this date it will be assumed that you are content that your views can be dealt with solely on the basis of written representations.**
11. A number of representors failed to indicate their preference. If you did not indicate a preference and wish to participate you must inform the Programme Officer by **16 December 2013.**
12. The Council cannot itself now make any further changes to the Local Plan and any further changes can only come about through a recommendation made in the Inspector's report. At this stage any further changes should be limited. However, if the Council considers any minor modifications necessary, these should not affect the substance of the document. If more fundamental, 'main modifications' are proposed these must meet requirements for public consultation and sustainability appraisal.
13. The Inspector will confirm the likely date for the submission of his report at the end of the hearing sessions. The report will set out the Inspector's conclusions about the soundness of the plan and, where appropriate, will include recommendations on any actions or modifications needed to make the Local Plan sound.
14. There are several possible outcomes of the examination. The Local Plan could be found to be sound as submitted. If it is not it may be decided that that additional work needs to be undertaken before the examination can be completed. It may be the Inspector's conclusion that the plan could be modified to make it sound (having regard to any implications for consultation and sustainability appraisal). The most serious would be a finding that the Local Plan is not sound.

### **Examination programme**

15. The examination started on the submission of the Local Plan on 2 August 2013. The hearing sessions section of the examination will start on **11 February 2014.** The hearings will be held at the Council Offices in Sidmouth. Sessions will normally start at 09:30 and 14:00 each day, with a break for lunch at about 13:00 and a finish at about 17:00. A short break will be taken mid-morning and mid-afternoon.
16. The matters and issues for the examination along with a draft timetable will be circulated to representors on or before 5 December 2013 and will also be available on the Council's website. Any comments on either the timetable or the scope of the matters and issues should be sent to the Programme Officer by **16 December 2013.** A final draft timetable and agenda for the hearing sessions will be circulated to all those who have made representations as soon as possible before the first hearing session opens.
17. Every effort will be made to keep to the programme, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the

appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable, but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

### **Procedure at the hearing sessions of the examination**

18. The topics selected for discussion arise from the tests of soundness and the representations made about soundness. The hearing format will provide an informal setting for dealing with these issues, by way of a discussion led by the Inspector. The Inspector will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate. The session will progress under the Inspector's guidance, drawing participants into the discussion in such a way as to enable them to gain the information necessary to come to a firm conclusion on the relevant issues. At the end of each session, participants will have the opportunity to sum-up the main points of their arguments. Those attending may bring professional advisors with them and although they may participate there will be no formal presentation of evidence, cross-examination or formal submissions.
19. The discussion will focus on the matters and issues set out. The emphasis will be on the tests of soundness and the hearings will be conducted on the basis that everyone taking part has read the relevant documents.

### **Submission of further written statements**

20. If representors participating in the hearing sessions so wish, they may submit further written statements. These should directly address the matters and issues identified by the Inspector.
21. Those who wish to proceed solely by written representations (and are not participating in the hearing) can rely on what they have already submitted in writing. However, representors proceeding by this method may also submit a written statement if they feel it necessary to respond to the matters and issues.
22. Any statements from representors should:
  - relate solely to the matters raised in their representations
  - explain which particular part of the Local Plan are unsound
  - explain why is it unsound, having regard to the National Planning Policy Framework
  - explain how the Local Plan can be made sound
  - explain the precise change/wording that is being sought
23. From the Council, a written statement in response to each of the matters and issues is required. These should include full and precise references to the evidence base to justify the relevant policies and allocations and to demonstrate that the review is sound. They should also include references to any main modifications the Council considers necessary to make it sound and set out the Council's position on changes sought by other parties, where relevant.
24. Written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the Local Plan, national planning policy or other core documents (references will suffice). Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for new points or evidence to be presented for the first time. All statements should clearly indicate the relevant policy/paragraph/page of the review document being referred to.
25. It is not the Inspector's role to improve the Local Plan, changes will only be recommended to rectify issues of soundness.

26. Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground can be a useful way of narrowing the issues in dispute.
27. There is no need to prepare a further statement if all the points are already covered in the original representation, but it would be helpful for participants to notify the Programme Officer if they do not intend to submit further statements.
28. **3 paper copies** of each written statement should be sent to the Programme Officer. Where possible, an electronic copy should also be provided. Statements should be no longer than 3,000 words for each matter. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices, and should be clearly related to the case. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
29. **All statements/statements of common ground should be received by the Programme Officer by 17:00 on 10 January 2014.** If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided.
30. Participants should adhere to the timetable for submitting written statements. **Late submissions and additional papers are unlikely to be accepted on the day of the relevant session,** since this can cause disruption and result in unfairness, and may lead to the hearing being adjourned.

#### **Core documents**

31. The Council has prepared a list of core documents, which are available in the examination library. The list should represent the Council's full evidence base for the examination and will include the documents that participants are likely to need to refer to. The list will be updated from time to time and is available from the Programme Officer and on the Council's website. The Programme Officer will assist anyone wishing to see a document.

#### **Site visit arrangements and close of the examination**

32. The Inspector will carry out an unaccompanied tour of the District to familiarise himself with the area. The Inspector sees no need for any accompanied visits but should participants think otherwise they should present their reasons to the Programme Officer. There will be no discussion of the merits of the Local Plan or its allocations at any site visit.
33. The examination will remain open until the report is submitted to the Council. However, no further representations or evidence will be accepted after the hearing sessions have finished unless specifically requested by the Inspector. Any late or unsolicited material is likely to be returned.
34. If you have any questions regarding this note please contact the Programme Officer.