

Independent Examination of the Cranbrook Local Plan

Guidance Note from the Inspector Re Stage 2

Regarding sessions on

Viability – postponed from February 2020

Gypsy and Traveller Allocations postponed from February 2020

By Janet Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Date: 7 August 2020

The Inspector's role

1. I have been appointed by the Secretary of State to examine the soundness of the Cranbrook Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations.
2. The National Planning Policy Framework (DCLG, March 2019) sets out the criteria for determining soundness in paragraph 35 - that the plan is positively prepared, justified, effective and consistent with national policy
3. There are three possible outcomes to the examination:
 - the submitted plan is sound;
 - the submitted plan is not sound but could be made sound by changes (known as main modifications), if necessary following additional work;
 - the submitted plan is not sound and could not be made sound by changes.
4. Following the close of the examination sessions I will prepare a report to the Council with my conclusions. My report will deal with broad issues rather than with individual representations.

The Programme Officer

5. The Programme Officer for the Examination is Mr Ian Kemp. He is an impartial officer for the purpose of the Examination, working under my direction. He can be contacted as follows:

Ian Kemp
Programme Officer
PO Box 241
Droitwich
WR9 1DW

Phone : 0772 300 9166
by email at ikemp@icloud.com

6. The main tasks of the PO are to act as a channel of communication between all parties and myself, to liaise with the parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed and to run the Examination Library.
7. Any procedural questions or other matters that you wish to raise on the Examination or prior to the hearing sessions should be made through the PO.

Background to the Second Stage of the Examination

8. The hearing sessions on viability were postponed at the request of East Devon District Council to enable them to update information following the emergence of discrepancies during the production of a Scott Schedule [PSD8](#). That information is now available, and the Council have published it on the Examination website.
9. The second stage following a period of consultation on the additional information will be to conduct the remaining sessions on viability and those relating to gypsy and traveller allocations.

10. The new documents are:
- Covering letter from the Council (27/7/20) PSD20
 - Cranbrook Updated Viability Report PSD21A
 - East Devon Cranbrook Updated Viability Appendices PSD21B
 - Land budget Technical Notes PSD22
 - DAT Cranbrook 4000 dwellings (Excel appraisal tool) PSD23A
 - DAT Cranbrook 170 dwellings (Excel appraisal tool) PSD23B
 - Infrastructure Delivery Plan July 2020 PSD24
 - Response to matters raised by the Inspector PSD25
 - Devon County Council revised public transport request PSD26
 - Gypsy and Traveller Cranbrook Paper including SA PSD27

It is also noted that since the first stage hearings the CIL examination for EDDC has been concluded and is contained within the appendices to the updated viability report above.

11. This evidence has been produced by the Council to address the issues raised in the evidence from a number of parties on the matter of viability. The papers explain the viability changes along with other adjustments to the plan that the Council consider may be necessary. There are some important changes and parties involved in the earlier stages of the examination should have an opportunity to consider the changes and respond. It is important to note that any main modifications proposed as a result of these changes will be subject to formal consultation and if necessary, Sustainability Appraisal at a later date. The Inspector has decided that this information should be made available to all via the website, that those individuals making representations at Regulation 19 of the plan are made aware of the information.
12. **If you have previously submitted representations on the plan these will be considered as part of the Examination process and it is therefore not necessary to repeat those comments.** However, if you have any new comments to make on the new evidence as listed above or if you have not commented previously but now wish to comment on these changes, this note provides further guidance. The note also gives information on the Examination process and the arrangements for the remaining hearing sessions. If you have any queries, please address these to the programme officer.

Consultation on the additional evidence and Background Paper

13. The new evidence together with the remaining Main Matters which have not yet been covered during the Examination will be addressed at the next stage though some of the questions have been modified to reflect new evidence.
14. The attached paper sets out headline issues on which I wish to hear views from those acting for the four expansion areas or from other Regulation 19 parties. Following the receipt of hearing statements, I intend to issue a more detailed agenda which will guide the hearings.

15. It is most probable that the hearings will be held virtually due to current restrictions on the holding of public events, the examination website will be updated in due course once dates are set for these hearings.
16. **Responses are invited in separate hearing statements on the following five areas.**
 - Questions AQ1 to AQ12
 - AQ14 and AQ15
 - AQ16
 - AQ17 to AQ19
 - AQ22 to AQ24

If you do not wish to appear at the hearings, and do not wish to submit a hearings statement you may still make representations in relation to these questions which I will consider but you should make very clear which questions you are responding to in your submission.

17. All statements and representations must be submitted via the Programme Officer Mr Kemp at idkemp@icloud.com Please make it clear who you are representing if you are not replying on your own behalf. Please do not include any personal information of your own or other parties in your statement as all statements will be published.
18. It is not possible at the current time to submit comments by post other than in exceptional circumstances. Please contact the Programme Officer directly if you have any questions.
19. Responses to the Additional Questions should be a maximum of 3000 words. Appendices should only be included where directly relevant and necessary and should also be as succinct as possible. In addition, responses should:
 - clearly identify the number(s) of the question(s) being answered;
 - state whether any changes to the policy wording might make the concerns and make the plan sound;
 - indicate whether any other changes are needed to make the plan sound (providing suggested wording for the change and if appropriate, whether there are any consequential changes to the Policies Map).
20. Requests to speak at the forthcoming hearings must be made direct to Ian Kemp the Programme Officer no later than **25 September 2020**
21. Hearings statements must be submitted by 10:00 on **30 September 2020**. Unless there are exceptional circumstances late submissions will not be accepted.
22. Responses to the questions will be posted via the examinations web site and will be available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants.

23. Aside from responses to the additional questions no other written evidence will be accepted, unless I specifically request it.

Arrangements for Stage 2 Hearing Sessions

24. Stage 2 of the hearing sessions will cover the matters arising from documentation listed in paragraph 10 above. Hearings will most likely take place virtually to a programme which will be issued in due course. It is envisaged that these **will be sometime in November** depending on the number and complexity of additional hearings statements that are received though this is subject to change.
25. A detailed hearing sessions programme will be published on the Examination web site approximately two weeks before the start of the hearings. Please note that it is for participants to check the hearing programme, either on the Examination web site or with the PO, and to ensure that they are present at the right time. If you are unable to attend a session for which you are listed as a participant, please ensure that you let the Programme Officer know.
26. If you have previously registered to speak on the remaining issues of Viability or Gypsy and travellers matters and wish to participate at a hearing session, but do not wish to update your statement in response to the additional questions you must let the programme officer know.
27. Where several people or organisations wish to speak on the same issue please consider having a representor to speak on behalf of the group and contact the Programme Officer if you have any queries.

Changes to the Cranbrook Local Plan

28. At this stage there are only two means by which changes can be made to the plan.
29. *Main modifications* are changes which, either alone or in combination with others, would materially alter the plan or its policies. Any potential *main modifications* will be subject to further consultation and Sustainability Appraisal and assessment under the Habitats Regulations might also be needed. However, I can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted plan unsound or not legally compliant.¹ The Council has formally requested me to recommend main modifications to address issues of soundness within the plan and circulated a working draft of main modifications during the first part of the examination [Ref PSD] though it is important that you note that this is not yet a finalised document and will be subject to change, it will not be published in its final form until much later in the programme however if you wish to refer to it or comment on matters in relation to viability or Gypsy and Traveller allocations at Cranbrook.
30. '*Additional modifications*' are those changes which do not materially affect

¹ Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

the policies in the plan². They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' The Council is accountable for any such changes and they do not fall within the scope of the examination.³

Site visits and close of the Examination

31. I have already visited a number of sites during the first stage of the hearing sessions. If I consider it necessary to my assessment of the soundness of the plan, I shall visit other sites and areas referred to in the representations after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land in which case arrangements will be made as necessary.
32. The Examination will remain open until my report has been submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

Further information

33. Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance* <https://www.gov.uk/guidance/plan-making> and the Planning Inspectorate's Procedural Practice in the Examination of Local Plans <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice> (June 2019 5th Edition).

Janet Wilson

INSPECTOR

² S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

³ 5.27 of *Procedural Practice in the Examination of Local Plans June 2019 5th Edition*)