

Kirklees Local Plan

EXAMINATION GUIDANCE NOTE

24 November 2017

Inspector – Ms Katie Child BSc. (Hons) MA MRTPI
Assistant Inspector (minerals and waste) – Ms Elizabeth Hill BSc. (Hons) BPhil MRTPI

Programme Officer – Yvonne Parker
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Purpose of the Guidance Note

1. This note provides guidance to participants on the procedural and administrative arrangements for the examination.

The Inspector's role in the examination

2. I have been appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Kirklees Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations.
3. An Assistant Inspector, Elizabeth Hill, has also been appointed. She will cover the minerals and waste aspects of the Plan only.
4. The *National Planning Policy Framework* (DCLG, March 2012) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.
5. 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
6. Following the close of the hearings I will prepare a report to the Council with Elizabeth Hill, setting out our conclusions. The report will deal with broad issues rather than specifically with each individual representation.

Dates for hearing sessions

7. The Local Plan Examination will take place in four stages, as set out below.

Stage 1	Initial hearings on legal and procedural matters and strategic issues	10 – 18 October 2017 *COMPLETED*
Stage 2	Minerals and waste policies and allocations	14 – 23 November 2017 ¹
Stage 3	Other policies in Part 1 of the Plan	5 – 13 December 2017
Stage 4	Other site allocations	Mid-February to mid-March 2018

8. The Stage 1 – 3 hearings sessions will be held at **The Hudawi Centre, Great Northern Street, Huddersfield HD1 6BG**. The dates and location of the Stage 4 hearing sessions will be confirmed in due course.

9. Two documents are available alongside this note:

Matters, Issues and Questions (MIQs) for Stage 3. These will form the basis of the discussion at the Stage 3 hearing sessions.

Hearings programme – this sets out the timetable and topic areas for the Stages 2, 3 and 4 hearing sessions. The hearings programme is subject to periodic change and participants should check the Council’s website for regular updates. Detailed agendas will be available the week prior to hearing sessions.

Changes to the plan

10. The starting point is that the Council has 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:

- (1) *main modifications* recommended by the Inspector
- (2) ‘*additional*’ or *minor modifications* made by the Council on adoption.

11. 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.² *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 might also be needed.

12. ‘*Additional modifications*’ are those changes which do not materially affect the policies in the Plan.³ They are made by the Council and are also sometimes referred to as minor modifications.⁴ The Council is accountable for any such changes and they do not fall within the scope of the examination.⁵

Modifications proposed by the Council

13. The Council has published a list of Proposed Modifications (SD4) which it proposes should be incorporated within the Plan. As noted above I would only be able to recommend *main modifications*, if they are necessary to make the Plan sound.

¹ The Stage 2 hearings had to be cancelled and will be re-arranged in early 2018. Please contact the Programme Officer for details.

² Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

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

⁴ For example in *Examining Local Plans Procedural Practice*

⁵ 2.4 & 4.7 of *Examining Local Plans Procedural Practice*

The Programme Officer

14. The Programme Officer (the PO) for the examination is Yvonne Parker. She is working under my direction and is independent of the Council. Her contact details are as follows:

Yvonne Parker, 2 Priory Court, Burnley BB11 3RH
Tel. 01282 450522 / 07813 334305
Email: Yvonne.parker@kirklees.gov.uk

15. The main tasks of the PO are to act as a channel of communication between all parties and the Inspectors, 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. If you have any procedural questions these should be made through the PO.
16. Copies of examination documents can be found on the Examination website <http://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.

The hearing sessions

17. The hearings will take the form of a roundtable discussion which the Inspector shall lead. They will not involve the formal presentation of cases by participants or cross-examination. There will be a lot to cover and all contributions should be focused.
18. **If you wish to be appear at the Stage 4 hearing sessions you should confirm your attendance with the Programme Officer as soon as possible, and no later than Tuesday 9th January 2018.** Please note that:
- only those who have previously made representations relevant to the matters being discussed and are seeking to change the Plan, and who register a request to attend, have a right to participate at the hearing sessions.⁶ However, the sessions are open for anyone to observe.
 - written representations and oral representations will carry the same weight, and equal regard will be had to views put at a hearing or in writing.
 - attendance at a hearing session will only be useful and helpful if you wish to participate in the discussion.
19. The hearing sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. Please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.
20. A **Hearings programme** is available on the Council's website. It will be for individual participants to check the progress of the hearings, either on the website or with the PO, and to ensure that they are present at the right time.

⁶ S20(6) of the Planning and Compulsory Purchase Act 2004

Hearing statements

21. The Inspector's MIQs for Stage 4 are due to be published on **Wednesday 3rd January 2018**. The Council and representors will be invited to submit hearing statements on the MIQs, to be submitted by **Friday 26th January 2018**.
22. The preparation of a hearing statement is not a requirement, and representors may wish to rely on previous submissions.
23. Hearing statements should be kept as short as possible, with a maximum of 3000 words for each Issue. In addition, the Statements should:
 - Include page and paragraph numbers.
 - Clearly identify the number(s) of the question(s) being answered.
 - Indicate whether any other changes are needed to make the Plan sound (providing detailed suggested wording for the change).
24. In preparing statements you should be aware of the Council's updated list of evidence documents on the Examination webpage.
25. Three paper copies and an electronic version of each hearing statement should be submitted to the PO. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
26. Hearing statements will be posted on the Examination webpage, so that they are 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. However, anyone who is unable to access them on the webpage may request copies from the PO.
27. Aside from hearing statements no other written evidence will be accepted, unless I specifically request it. The hearing sessions should not be used to introduce new evidence or arguments.

Site visits and close of the examination

28. The Inspectors will visit sites and areas before, during, or after the hearings where this is necessary to the assessment of the soundness of the Plan. This will be undertaken on an unaccompanied basis unless there is a need to go on to private land.
29. The examination will remain open until the Inspector's report has been submitted to the Council. However, further representations or evidence after the hearing sessions have ended will not be accepted unless specifically requested by the Inspectors. Late or unsolicited material may be returned.

Further information

30. Further information about the preparation and examination of Local Plans can be found in the *National Planning Practice Guidance* <http://planningguidance.communities.gov.uk/> and the Planning Inspectorate's *Procedural Practice in the Examination of Local Plans – June 2016 (4th Edition v.1)* <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>