EXAMINATION OF THE KETTERING SITE SPECIFIC PART 2 LOCAL PLAN

EXAMINATION GUIDANCE NOTES

Introduction

1. The Inspector for the examination is Elaine Worthington BA (Hons) MTP MUED MRTPI. She has been appointed by the Secretary of State to hold the examination into the soundness of the Kettering Site Specific Part 2 Local Plan (the Plan). These notes have been prepared to assist participants in the examination into the soundness of the Plan.

2. A draft programme of hearings and a statement of the Inspector’s Matters, Issues and Questions (MIQs) have also been issued and these can be found on the Council’s examination website (details below). The latest Government Guidance on Coronavirus and Local Plan Examinations makes it clear that it is necessary to consider how current examinations can best move forward ensuring fair participation. The Inspector, the Council and the Programme Officer have been doing this and the Inspector has now resolved to set dates for hearings on 8-9 October and 12-16 October 2020.

3. The ways in which the hearings can be conducted safely, including using digital technology, are currently being explored in detail. The Council Chamber, Kettering Borough Council, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX has been booked in the event that it is possible to hold the hearings face to face either in whole or in part. However, the format of the hearings is not yet finalised and will depend on a number of factors including government guidance, any local lockdown in place, and the level of participation. Further details of how the hearing sessions will operate will be issued closer to the hearing dates.

4. If you wish to participate in the hearing sessions further information is available below. However, circumstances may change at short notice to reflect wider Government advice and all those wishing to participate in the hearings or observe them should regularly check the Council’s examination website for the most up to date information.

The role of the Programme Officer

5. Ian Kemp has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. He is not a Council Officer and works to the Inspector’s direction. His principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library (mainly in electronic form); and to assist the Inspector with procedural matters.

6. He is your first point of contact and any procedural questions or other matters that you wish to raise with the Inspector prior to the hearing sessions should be made through him.
He can be contacted as follows: Ian Kemp, PO Box 241, Droitwich, WR9 1DW email idkemp@icloud.com, 07723009166.

**The Examination webpages and library**

7. The examination has a dedicated series of webpages that can be accessed via the Council’s website.

8. All the material produced for the examination, including the submission documents, the Council’s evidence and documents relating to the hearings will appear on the examination webpage. If you do not have access to the internet, and require access to documents or other information please contact the Programme Officer.

Participants are encouraged to make use of the examination website and keep up to date with documents posted there:

https://www.kettering.gov.uk/info/20058/planning_strategies_and_policies/12416/site_specific_part_2_local_plan_examination

Further general guidance about Local Plans can be found at:

https://www.gov.uk/guidance/local-plans

The latest detailed Government Guidance on Coronavirus and Local Plan Examinations can be found at:


The Inspector has already provided some Initial Questions and comments to the Council (EXAM 1 and 3) which are available on the examination website, along with the Council’s responses (EXAM 2).

**The role of the Inspector**

9. The role of the Inspector is to consider whether the Plan is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Council should rely on evidence collected while preparing the Plan to demonstrate its soundness. Those seeking changes have to demonstrate why the Plan is not sound and why their suggested changes would make it sound.

10. The National Planning Policy Framework sets out the criteria for determining soundness; namely that the Plan is positively prepared, justified, effective and consistent with national policy. Planning Policy Guidance also provides helpful advice. These can be found on-line at:

11. There are three possible outcomes to the examinations:

- 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.

12. Following the close of the hearings the Inspector will prepare a report to the Council with her recommendations. This will deal with the broad issues concerning the soundness of the Plan, rather than specifically with each individual representations.

13. The starting point is that the Council have submitted a Plan which they consider to be sound, legally compliant and ready for examination. Nevertheless, the Inspector will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan. Under the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Council has asked the Inspector to recommend any Main Modifications that are considered necessary to make the Plan sound/legally compliant.

14. However, the Inspector can only 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 might also be required.

15. Additional Modifications can also be made by the Council on adoption and are those changes which do not materially affect the policies in the Plan. 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.

16. The Council has already suggested a number of post submission Main and Additional Modifications. The most up to date schedule of proposed change is available to view on the website. These may be discussed, where appropriate at the hearing sessions. It is possible that further Main Modifications may also be proposed and discussed during the hearings.

17. Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to informally as ‘omissions sites’. Representors should be aware that it is not part of the Inspector’s role to examine the soundness of omissions sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions. Instead, should the situation arise that any additional sites are needed, the Inspector will look to the Council in the first instance to decide which alternative or additional sites should be brought forward (subject to consultation and sustainability appraisal if required).
Participation in the Hearings

18. Whether representors rely on written comments or wish to participate in the hearings, both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing.

19. Only those parties seeking specific changes to the Plan to make it sound and legally compliant are entitled to participate in the hearing sessions of the examination. Participation is limited to those policies or matters which were the subject of the original representation. There is no need for those supporting or merely making comments on the Plan to attend.

20. **Anyone wishing to take part in a hearing session should confirm their participation with the PO by 5pm on Friday 28 August 2020.** In the first instance you should confirm if you wish to participate in the hearing sessions. Please indicate which hearing session(s) and matters you wish to participate in based on your previous representations and the MIQs.

21. Thereafter, those who wish to take part will be contacted again by the PO to seek further information to help to formulate how the hearing sessions will be run. It is likely that you will be given the opportunity to attend in person (if the situation at that time allows it) or by telephone/video conference.

22. The Inspector will only be hearing those parties who have made such arrangements. Additionally, it may be that it is not possible to allow observers to attend in person. If this is the case, the intention is that the hearings will be streamed live or recorded and published on the internet. Details of this will be circulated nearer the time.

23. A draft hearings programme is available on the examination webpage, but remains provisional until the format of the hearings is known. An updated version will be published closer to the time of the hearings and will include a list of participants for each issue. It will be for the individual participants to check the progress of the hearings and to ensure they are present at the right time.

Hearing Statements

24. The Council should produce a hearing statement for each Matter and respond to each of the issues and questions set out in the MIQs. It is open for any representor to submit an additional statement in advance of the hearings provided the content of further submissions seeks to address the questions the Inspector has raised, and the subject matter directly relates to the issues raised in original representations. **An individual statement should be submitted for each Matter being addressed.** Representors should not seek to repeat comments already submitted or introduce new areas of objection to the Plan at this stage. However, the submission of further written material is not a requirement and respondents may rely on their original submissions.
25. If a further statement is submitted, it should be focussed upon the MIQs and should be sent to the PO for receipt by **5pm on Monday 7 September 2020**. The requirements for such statements are as follows:

- Statements should be limited to not more than 3,000 words on any one of the main matters. If more detailed material needs to be submitted it should be in the form of appendices (see below), but any such material should not duplicate the content of documents already included in the Core Documents list
- 1 paper copy and an electronic version (in either MS Word or PDF format) **must** be provided by the above deadline, including any appendices
- A4 size is required, with any plan folded so as not to exceed that size
- Paragraph and page numbers should be included
- Any measurements should be in metric units
- Appendices should have a contents page and pages should be numbered
- **A separate statement should be submitted for each matter addressed**
- Statements should relate solely to the matters raised in your representations
- They should explain which particular part of the Plan is unsound; explain why it is unsound; and say how the Plan can be made sound, explaining the precise change/working that is being sought

26. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly.

27. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper or statement. In preparing statements everyone should be aware of the Council’s updated list of evidence documents in the examination library on the examination webpage.

28. From the Council, a statement is required setting out its response to the Inspector’s questions, explaining why it considers the Plan to be sound in these respects. This should be submitted within the same timescale. While it is not necessary to prepare detailed responses to all of the representations, the Council may wish to respond to representations that it feels are of particular significance or concern. Where a specific response to a representation is requested by the Inspector, this will be set out in the MIQs. Further discussion between the Council and representors is strongly encouraged (ideally leading to statements of common ground).

29. Hearing statements will be posted on the examination webpage, so that they are available to all participants and anyone who wishes to read them. Because they will be available as such, they will not be circulated directly to participants. Aside from these hearing statements no other written evidence will be accepted, unless the Inspector specifically requests it.
Hearing Sessions

28. The hearing sessions will start at **10am on Thursday 8 October 2020**.

29. It is anticipated that the hearings will last for up to 7 days (8-9 October and 12-16 October 2020) (including reserve sessions should any session overrun). **Please note that after the first day, the hearing sessions will commence at 9.30 am.**

30. Subject to their final format, during the hearing sessions there will be at least one short break mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Afternoon sessions will begin at 2.00 pm. 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.

31. The hearings will focus on the MIQs arising from the tests of soundness and the representations made about soundness. I have attempted to make the MIQs as comprehensive as possible at this stage in order to assist in the progress of the examination. It may be that some of my points are addressed by the Council’s responses to both my Initial Questions and the MIQs. Should this be so it may not be necessary to cover all the MIQs in the hearings which instead will focus on any outstanding matters and those the subject of representations.

32. Irrespective of their format, hearing sessions will generally take the form of structured round table sessions, providing an informal setting for dealing with issues by way of a discussion led by the Inspector. The Inspector will run the hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. Participants may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination. More detailed agendas will be circulated before the hearings along with more up to date advice on how the hearings will operate to keep everyone safe.

33. Comments should focus on those aspects of the Plan that parties are seeking to change, it is for the Council to explain why it considers the Plan to be sound as submitted. The hearings will be conducted on the basis that everyone taking part has read the relevant documents. The hearing sessions should not be used to introduce new evidence or arguments.

Site Visit Arrangements

34. The Inspector will view any relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary (for example where the land concerned cannot be seen from the public road). In such cases, the PO will liaise with the parties to make arrangements. The Government’s social distancing guidelines at the time of any such accompanied visits will be observed.
Close of the Examination and the Inspector’s Report

33. Once the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, she will write her report. The report will not deal with omission sites. The examination itself remains open until the report is submitted to the Council. However, once all stages of the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which further comments have been requested. Any unsolicited items will be returned to the sender.

34. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Elaine Worthington
Inspector

17 July 2020