CHESTERFIELD LOCAL PLAN
EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS
9 AUGUST 2019 updated 29 AUGUST 2019
Version 1.0

Introduction

1. These notes have been prepared to assist those individuals and organisations who are involved in the Examination of the Chesterfield Local Plan (2018-2033). The Plan was formally submitted to the Secretary of State on 28 June 2019 following a 6-week consultation period which took place between 14 January and 22 February 2019.

Inspectors and Programme Officer

2. The Secretary of State has appointed the Inspectors, David Spencer BA(Hons) DipTP, MRTP and Bryn Bowker MPlan, MRTP, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) (‘the 2004 Act’), to hold an Examination into the soundness and legal compliance of the Plan.

3. Kerry Trueman and Sue Ashton are the Programme Officers (PO). They are acting as impartial officers for the Examination under the Inspectors’ direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the Examination Library (mainly in an electronic format) and to assist the Inspectors with administrative and procedural matters.

4. Any matters which the Council or participants wish to raise with the Inspectors should be addressed to the PO. Anyone who requires assistance or special facilities for disabled persons should contact the PO beforehand to enable appropriate arrangements to be made. The PO contact details are:

   Kerry Trueman and Sue Ashton
   Programme Officer Solutions Ltd
   32 Devonshire Place
   Prenton
   Wirral
   CH43 1TU
   Tel: 07582310364
   Email: Kerry.Trueman@chesterfield.gov.uk

Purpose and nature of the Examination

4. The Inspectors’ task is to consider whether the Plan meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations and whether it complies with the requirements of the 2019 National Planning Policy Framework
'the Framework'). These requirements comprise (i) whether the legal requirements have been met, whether the Council has complied with the duty to co-operate; and whether the plan is sound. The Framework indicates that a sound plan is positively prepared, justified, effective and consistent with national policy. The Council should rely on evidence collected while preparing the Plan to demonstrate that it meets the requirements of the Act. Those seeking main modifications (changes) to the Plan (those necessary for the plan to be sound or legally compliant) have to demonstrate why the document does not meet the requirements and how suggested changes would address any soundness failure.

5. The key elements in the Examination process are:

- The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan;
- The Inspectors have to consider the representations made on the submitted plan;
- The Inspectors are not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements;
- It is not the Inspectors’ role to seek to improve the Plan or to make it ‘more sound’ but to seek to address unresolved issues through round table discussion or consideration of the original written representations.

6. The hearing sessions are intended to be an inquisitorial rather than adversarial process under the Inspector’s direction. They will address particular topics selected for discussion by the Inspectors from the soundness requirements and the representations made at the publication stage.

7. Following the close of the hearings the Inspectors will prepare a Report for the Council with their conclusions on legal compliance and soundness. Under section 20(7C) of the 2004 Act the Council can request to the Inspectors to recommend any main modifications to the plan that are necessary to make it sound and legally compliant. The Council can make minor changes to the plan at any time up to its adoption. These should not materially affect the substance of the plan, its overall soundness or the submitted sustainability appraisal. They need not form part of the Examination.

8. The Inspectors will work with the Council to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan. Any main modifications should include the precise wording of the text and be set out in an Examination document.

9. Further guidance on the Examination process can be found in:

Representations on the Plan and the right to be heard

10. A total of 438 duly made representations were accepted on the published Plan. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who propose changes to the Plan. There is no need for those supporting the Plan or merely making comments to take part in the hearings although they may attend as observers. However, the Inspectors may invite persons to appear or be heard at the hearings where they consider they are needed to enable the soundness of the plan to be determined.

11. All those who wish to speak at the hearing sessions should confirm this in writing to the Programme Officer, indicating which session(s) by noon on Monday 2 September 2019. This includes confirmation from those who indicated in their initial representations that they wish to participate. Whether your views are expressed in writing or verbally during the hearing sessions both methods will carry the same weight.

The Policies Map

12. Under the relevant legislation, a local plan is accompanied by a policies map. As part of the examination it is not the role of the Inspectors to directly examine the policies map. However, the policies map is clearly a critical geographic illustration of how the policies will be applied, accordingly potential changes to it will be discussed during the hearing sessions. The Council should maintain a comprehensive list of any changes it proposes to the policies map, or ones that the Inspectors suggests are necessary, throughout the examination process. The list will be published on the examination website and the Inspectors’ report may refer to it as necessary.

The Hearings Programme

13. It should be noted that the examination hearings are currently programmed to sit over 3 weeks from 15 October 2019 to early November. A copy of the current programme has been published to accompany these guidance notes.

Procedure at the hearing sessions

14. The hearing sessions for the Examination will commence on 15 October 2019 at 10.00 hours. Subsequent sessions will normally start at 10.00 hours and 14.00 hours with a break for lunch at about 13.00 hours, although earlier starts may be programmed in some instances (please check the hearings programme). They should finish by about 17.00 hours. If convenient, short breaks will be taken mid-morning and mid-afternoon.

15. A programme for the hearings, putting dates and times to the issues and subjects to be examined, has been published. If you have any queries on it, please raise them with the PO. The Programme will be available on the web site, or, on request, in paper form from the PO.
16. Every effort will be made to keep to the Programme, but late changes may be unavoidable. The PO will inform participants of any late changes to the timetable but it will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.

Hearings Venues

17. The hearings will take place at Chesterfield Town Hall, Rose Hill, Chesterfield, S40 1LP, commencing at **10.00am on Tuesday 15 October 2019**.

18. The Town Hall is centrally located in Chesterfield town centre and has easy links to the train station (approx. 12 minute walk) and town centre bus stops (most within a 10 minute walk). Nearest car parks are at Rose Hill Town Hall carpark, Soresby Street car park and the new multi-story car park, Saltergate (5 minute walk). A map of town centre car parks can be viewed via this link:


Inspector’s Matters, Issues and Questions

19. The Inspectors have issued their "Matters, Issues and Questions" (MIQs) that the Examination will focus on. These are based on their assessment in terms of soundness and legal compliance having regard to all of the representations made and on-going clarifications with the Council on key matters. The MIQs will form the basis of the discussions at the hearing sessions and the subsequent report.

Procedure at the Hearing Sessions.

20. The hearings will focus primarily on issues of soundness. The hearing format will provide an informal setting for dealing with the issues by way of a discussion led by the Inspectors. Those attending may bring with them professional experts but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant’s team, as appropriate.

21. The discussion for each Matter will focus on the Inspector’s issues and questions. The Inspectors will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. All participants will have an equal chance to contribute and there will be an opportunity to ask questions. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate upon relevant points, as necessary. The Inspectors will endeavour to progress the hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, they will aim to minimise the amount of material to that necessary to come to informed conclusions on the issues. **It is also important that participants should not seek to introduce new material at a hearing session.**
22. At the hearings, the Inspectors will aim to work collaboratively with the Council and all participants in a proactive, pragmatic and problem-solving manner. Those taking part should aim to be co-operative and constructive, and be willing to discuss potential changes that would overcome any unsoundness problems.

**Documents and Examination Library**

23. The Council has prepared a set of submitted Documents which are available on the Examination website. Further documents may be added as the Examination progresses – for example, in response to a request from the Inspectors. **It is important that participants at the hearings are familiar with the relevant submitted documents**, including a number of statements and topic papers prepared by the Council.

24. In addition to the examination documents, the website contains copies of the representations on the submitted Plan. Any statements in response to the Inspectors’ MIQs will also be placed on the examination website after 16 September 2019 and prior to the hearings opening on 15 October 2019. The PO will assist anyone wishing to see and/or copy any documents.

**Statements responding to the Main Issues and Questions**

25. The representations made on the Pre-Submission Local Plan should have included all the points and evidence to substantiate respondents’ cases and **it is not necessary to submit further material based on the original representations**.

26. From now on, any further written submissions should mainly be limited to responding to the Inspectors’ Main Issues and Questions for examination. The only exception will be new matters that have arisen since the representations were submitted (for example, where additional documents have been included in the Examination Library by the Council) and any proposed modifications that are promoted during the course of the Examination (see below). Respondents may refer to new documents or new matters as part of statements they intend to submit in relation to the Inspectors’ issues and questions.

27. In issuing the Main Issues and Questions the Inspectors wish to receive any written statements in response to their questions **no later than Noon on Monday 16 September 2019**. Statements should be submitted in accordance with the guidance in paragraphs 33 and 34 below and submitted to the Programme Officer.

28. When submitting further statements, you should answer only those questions which follow from the representations you have made on the Pre-Submission plan. They should not stray beyond those issues relevant to your original representation. Respondents should focus on:

- Which part of the Local Plan is unsound.
- Which of the soundness criteria it fails to meet.
- Why it fails (point to the key parts of your original representations).
- How the Local Plan can be made sound.
29. From the Council the Inspectors will need a general response to each of their Main Issues and Questions. On legal compliance and the duty to co-operate the Council should provide a brief statement indicating its conclusions on each of the points in the Inspector’s list, cross referring to the evidence base as appropriate.

30. Submissions should set out the fundamental elements of cases, since the hearings are not the place for new points or evidence to be presented for the first time. There is no need for verbatim quotations from the Local Plan or other sources of policy guidance. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Examination Library. However, it is essential that statements indicate clearly the paragraph or page of the document that is being relied on. Anyone submitting appendices with their statements should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.

31. Participants should not include links to web pages in their statements. The content of websites can change, and it is important that all parties are clear about what is being referred to.

32. 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 parties in advance of the hearings. Statements of Common Ground are a useful way of narrowing the issues in dispute, thereby assisting the hearings to concentrate on the key issues that genuinely need discussion. Statements of Common Ground should be submitted by at least by the Friday before the relevant hearing session to enable uploading on the website and pre-discussion consideration.

33. Those submitting further written statements (and appendices) should send, where possible, emailed electronic versions to the PO (in Word or PDF format) as well as 3 paper copies (for the Inspector, Council and PO). Individual statements are required for each matter being addressed. Please do not address multiple matters within the same statement.

34. Statements should be no longer than **3,000 words per Matter**. The Council may exceed the limit if replying to a large number of questions. Any submissions which are excessively long or contain irrelevant or repetitious material may be returned by the PO for editing. Statements should be on A4 paper, and not bound but stapled and hole punched; plans or diagrams should fold down to A4 size. All statements should be marked in the top right hand corner with the Matter number and name of the respondent.

35. All participants should adhere to the timetable for submitting further statements. Late submissions and additional material are unlikely to be accepted, since this can cause disruption and result in unfairness, and can cause an adjournment of the hearing. If material is not received by the deadlines stated, the PO will assume that you are relying only on the original representations.
Please be advised that if you submit a Hearing Statement this will be published on the Council’s website and be available for the public to view as these cannot be treated as confidential, but personal contact details of individuals will remain confidential. A copy will be supplied to the Planning Inspectors who may wish to contact you via the Programme Officers. Please also be aware that correspondence sent to the Programme Officers may be sent to the Planning Inspectors and may also be published on the website for the public to view (as detailed above). Further details are available in the Council’s privacy notice.

**Modifications to the Plan**

36. Under section 20(7C) of the 2004 Act the Council should request to the Inspectors to recommend any main modifications to the plan that are necessary to make it sound and legally compliant. Participants should note that there is no provision for main modifications to be requested in relation to the legal duty to co-operate: the plan as submitted either meets or fails that test. Minor changes (additional modifications) to the plan (those changes that would not materially affect the application of policy) are a matter for the Council and not subject to examination.

37. The Inspectors will work collaboratively with the Council and other participants to ensure that any necessary main modifications are clearly identified, supported by evidence and are subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan.

**Site Visits**

38. The Inspectors will make unaccompanied site visits to the Plan area during the course of the Examination. If it is considered essential that the Inspectors would need to visit a particular site on an accompanied basis, then this should be raised with the PO as soon as possible.

**Close of the Examination**

39. The Examination will remain open until the Inspectors’ report is submitted to the Council. However, the Inspectors will not accept any further representations or evidence after the hearing sessions have finished unless they specifically request further information. Any late or unsolicited material is likely to be returned.

**Submission of Inspectors’ Report to the Council**

40. The date of submission of the Inspectors’ Report will largely depend on the content, extent and length of the Examination. They will aim to confirm the likely date at the end of the final hearing session.

*David Spencer* and *Bryn Bowker*

Inspectors.

9 August 2019