

NORFOLK MINERALS SITE ALLOCATIONS DPD: SINGLE ISSUE SILICA SAND REVIEW (THE PLAN)

EXAMINATION GUIDANCE NOTE

Purpose of the guidance note

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

Dates for the hearing sessions

2. The hearing sessions (which are part of the examination) will start on **Tuesday 14 March 2017** and are anticipated to last for **2 days**. The venue is to be confirmed.
3. Two documents are available with this note:

Draft Matters and Issues for the examination. These will form the basis of the discussion at the hearing sessions.

Draft Hearing Programme – this sets out the issues to be discussed at each hearing session. Please note details may change.

The Inspector's role in the examination

4. The examination began on 6 December 2016 when the Council submitted the Plan and the other submission documents. I (**Jonathan Manning** BSc (Hons) MA MRTPI) have been appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act and associated regulations. I am treating the submission Plan as examination documents A35 and A105. The Council has also proposed some additional minor modifications (examination document A100), which will be discussed at the hearing sessions.
5. The *National Planning Policy Framework* (DCLG, March 2012) <http://planningguidance.planningportal.gov.uk/blog/policy/> sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy. 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 my conclusions. The Council has formally requested that I recommend any *main modifications* necessary to make the Plan sound.¹
7. I will deal with broad issues in my report rather than specifically with each individual representation.

¹ Letter from the Council dated 6 December 2016.

Changes to the plan

8. The starting point is that the Council have submitted a Plan that they consider is sound and 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 modifications* made by the Council on adoption.

9. 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.
10. '*Additional modifications*' are those changes which do not materially affect the policies in the Plan.³ They are made by the Council on adoption 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

The programme officer

11. The Programme Officer (the PO) for the examination is Annette Feeney. Annette is working under my direction and is independent of the Council. She can be contacted as follows:

Mrs Annette Feeney
Local Plan Programme Officer
Address: c/o Planning Services, Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH.
Email: Annette.Feeney@norfolk.gov.uk.
Mobile: 07775771026

12. The main tasks of the PO is 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.
13. Copies of examination documents can be found on the examination web site <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/silica-sand-review/examination>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
14. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO.

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*

Progressing your representations on the plan

15. Only those seeking to change the plan have a right to participate in the hearing sessions.⁶ However, the hearing sessions are open for anyone to observe.
16. The list of ***Draft Matters and Issues*** accompanying this note will form the basis of the discussion at the hearing sessions. If you have any comments on this list (for example, because you feel there may be a significant omission), you should contact the PO by midday of **Friday 27 January 2017**.
17. The draft ***Hearing Programme*** accompanying this note shows the anticipated timetable for the discussion of the *Matters and Issues* at the hearing sessions. Should you wish to participate in any of the hearing sessions identified in the hearing programme, you must inform the PO of your intention to do so by midday **Friday 17 February 2016**. Please make clear to the PO under which *Matters and Issues* you wish to appear.
18. For those who may be unsure whether they should attend the hearing sessions and give oral evidence, I shall give equal weight to both oral evidence and written representations already provided or submitted within a written statement replying to the *Matters and Issues*. Attendance at a hearing session will only be useful and helpful to me if you wish to participate in the discussion. You will all be there to help me, so you may be asked to comment on things that are not directly related to your own written submissions. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. Please discuss this with the PO. Those who have previously indicated that they wish to appear, but who no longer wish to participate in the hearing sessions should also tell the PO by midday **Friday 17 February 2016**. I may also specifically invite participants to particular sessions if I think that would assist the examination.
19. A final version of the *Hearing Programme*, with participants listed for each session will be published on the examination website around two weeks before the start of the hearing sessions. 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.

Approach to omission sites and boundary changes

20. Several representors have objected to the omission of Area of Search (AoS) A and amendments to the boundary of AoS D from the Plan. However, the purpose of the examination is to consider whether the Plan as it has been submitted for examination is sound. Therefore, I have not included in the programme discussion on the omission of AoS A or the amended boundary to AoS D, during the Council's preparation of the submission Plan. Instead, the focus will be on whether or not the process followed by the Council in selecting the allocated AoS is sound. This will involve looking at both the process of site selection and the soundness of individual AoS where there are concerns. I have included such matters within my *Draft Matters and Issues* that accompany this note.
21. If some of the proposed AoS are not found to be sound and it is concluded that additional sites are needed in order to meet the identified need for silica sand, I

⁶ S20(6) of the PCPA 2004

may then seek to discuss omission or alternative sites, but only in such circumstances.

The hearing sessions

22. Each *Matter* will be the subject of a separate session. The hearing sessions will take the form of an informal roundtable discussion which I 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 concise and focussed.
23. 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. No new session (*Matter*) will begin before its stated start time set out in the final *Hearing Programme*, but a later start may be unavoidable if a previous session (*Matter*) has overrun.
24. 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.

Hearing statements

25. The Council should produce a hearing statement for each of the *Matters*. In doing so, they should answer each of the individual questions set out in the list of *Issues*. Those who made representations at the pre-submission stage may also submit written statements on the *Matters and Issues*. However, the preparation of a written statement is not a requirement.
26. Hearing statements from those who made representations should be a maximum of 3000 words for each *Matter*. Within this limit, they should be kept as short as possible. Appendices should only be included where directly relevant and necessary and should also be as succinct as possible. Statements should be stapled rather than bound. In addition, they should:
 - only answer the specific questions which are of relevance to the original representation
 - clearly identify the number(s) of the question(s) being answered.
 - indicate whether any changes are needed to make the plan sound (providing detailed suggested wording for the change and if appropriate, any changes sought to the policies map)
27. The Council should produce statements which are focussed and succinct. However, because they have to answer every question there may be some occasions where it is necessary to go over the 3000 word limit.
28. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper. Please contact the PO to discuss.
29. Two paper copies and an electronic version of each hearing statement **must** be submitted to the PO by midday **17 February 2017**. Unless there are exceptional circumstances, late submissions will not be accepted.
30. 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.

31. Aside from these written 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.

Statements of common ground

32. Statements of common ground are welcome where these would be helpful in identifying points not in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include: agreed wording of a suggested change to a policy, agreed factual information or areas or points of disagreement. Work on such statements should commence now with the aim of completing them in time to influence relevant hearing statements.

The examination library

33. The Council has prepared an online Examination Library which can be found on the Examination Website at <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/silica-sand-review/examination>.
34. This contains the Council's evidence and documents which have been produced during the Examination. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to written statements as they are already Examination documents.

Site visits and close of the examination

35. Insofar as I consider it necessary to my assessment of the soundness of the Plan, I shall visit sites and areas referred to in the representations before, during, or after the hearing sessions. I will do these on an unaccompanied basis, unless I find that I need to go onto private land.
36. 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 will be returned.

Further information

37. Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance* <http://planningguidance.planningportal.gov.uk/> and the Planning Inspectorate's *Examining Local Plans Documents: Procedural Practice - December 2013 (3rd Edition v.1)* http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

Jonathan Manning

INSPECTOR