

**HASTINGS BOROUGH COUNCIL  
EXAMINATION OF THE COUNCIL'S LOCAL PLAN  
THE HASTINGS PLANNING STRATEGY**

**GUIDANCE NOTES FOR PARTICIPANTS**

**1. Introduction**

- 1.1 These Guidance Notes have been prepared to assist participants in the Examination into the soundness of the Hastings Local Plan. As part of the Examination, Hearings are expected to commence at **10 am on Tuesday 5<sup>th</sup> February 2013** at a venue to be announced. A Pre-Hearings Meeting (PHM), at which procedural and administrative matters will be discussed, will be held at **2 pm on Thursday 13 December 2012 at The Stade Hall, The Stade, Rock-a-Nore Road, Hastings TN34 3FJ**. This meeting will be an opportunity for participants to raise any issues that may be causing concern but it will not be an occasion for detailed discussion of the merits or otherwise of the matters to be considered during the Hearings. The dates of the Hearings are expected to be finalised at the PHM, but at present it appears that they will take place on **5<sup>th</sup> - 7<sup>th</sup> and 12 - 14<sup>th</sup> February 2013**, a total of 6 days.
- 1.2 These notes provide information for all who have made representations on the submitted Local Plan, whether they wish to take part in a Hearing or rely on original representations. It is hoped that by providing these notes early in the process they will help to make the PHM as useful as possible, as well as providing background information on the approach to be taken at the Hearings themselves. Notes of the PHM will be prepared to confirm those matters which had been considered and decided at the PHM. Everyone who has made representations may find the attached document entitled A Brief Guide to Examining Development Plan Documents, published by the Planning Inspectorate can be found at <http://www.planningportal.gov.uk/planning/planningsystem/localplans>.

**2. The Role of the Inspector**

- 2.1 The Inspector appointed to examine the Local Plan is Mr Richard E Hollox BA(Hons) BSc(Econ) MPhil FRTPI FRICS. His role will be to consider whether the Local Plan has been prepared in accordance with the Duty to Cooperate, other legal and procedural requirements and whether it is sound. In considering whether it is sound, he will focus on the tests of soundness set out in the National Planning Policy Framework (the Framework) paragraph 182. These tests are *positively prepared, justified, effective and consistent with national policy*. The Council should rely on evidence collected while preparing the Local Plan to demonstrate its soundness. Those seeking changes have to demonstrate why the document is not sound and why their suggested changes would make it sound. The Local Plan is the Council's document and the presumption is that it has submitted what it considers to be a sound plan. The Inspector will consider it against these 4 tests.

**3. The Programme Officer**

- 3.1 Ms Lynette Duncan is the appointed Programme Officer. Her main tasks are to liaise with all parties to ensure the smooth running of the Examination, to organise the Hearings programme, to ensure that all documents received both before and during the Hearings are recorded and distributed and to keep and update the Examination Library. Copies of all the Examination documents, including the representation forms and written submissions, will be available in the Examination Library. Ms Duncan can be contacted as set out at the end of these notes.

**4. Pre-Hearing Meeting (PHM)**

- 4.1 The main purpose of the PHM is to explain and discuss the procedure for the Examination as a whole, including the management of the Hearings. The Inspector's draft list of Matters, Issues and Questions (MIQs) which sets out the proposed timetable for the Hearings will be made available to all participants as soon as possible. All Examination documents can be found on the Examination webpages at [www.hastings.gov.uk/planningstrategyexamination](http://www.hastings.gov.uk/planningstrategyexamination)
- 4.2 Although it is not necessary for participants to attend the PHM, all those who intend to appear at a Hearing to address the Inspector are strongly encouraged to do so or to be represented. This will make the meeting more useful and assist with the subsequent running of the Examination. However, if attendance is not possible it would not prejudice any right to be heard at a Hearing. As already noted, the PHM will not be a forum for discussion of the contents or merits of the Local Plan, as these are matters for the Hearings themselves.

## **5. The Examination Process**

- 5.1 The Inspector has already begun his examination of the Local Plan. His initial list of the MIQs will be derived in part from his reading of the Local Plan, the representations and the various other documents with which he has been provided. It should be noted that not all representations will be covered by the list of matters to be identified by the Inspector. Although he has to consider all representations, this is only insofar as they relate to the 4 tests of soundness. Unlike the previous development plan system, the Inspector is not required to consider each and every point made in each and every "objection" or to report on it, but to use the representations as the starting point in considering whether the Local Plan is sound.
- 5.3 Any person or organisation listed as having made a representation on a matter identified by the Inspector is invited to submit a statement addressing the key questions in the MIQs posed by the Inspector in relation to that matter. This material should not amount to substantive new evidence going beyond the scope of the original representation. It should be amplification of the original representation in the context of the MIQs. However, the submission of such a statement is not a requirement, and respondents can rely solely upon their original written submissions if they so wish. The Inspector will expect the Council to respond to his MIQs on the same basis as all other participants in the process.

## **6. Method of Examination**

- 6.1 The Hearings are expected to take the form of round-table discussions chaired by the Inspector. He wants the procedure to be as informal as possible. He does not envisage any cross-examination of witnesses, and any advocates will be expected to take part in the discussions in much the same way as other participants.
- 6.2 Those persons who do not wish to participate in a Hearing but who have made written representation on the subject matter will still be able to make further written submissions on the Inspector's questions should they so choose, within the timescales set out below. The Inspector will have equal regard to views put orally or in writing. All members of the public are most welcome to attend the Hearings as observers.

## **7. The Submission of Statements**

- 7.1 All statements including those from the Council in response to the Inspector's list of questions should reach the Programme Officer by not later than **5 pm** on a date that will be announced at the PHM. It is likely to be by **Friday 18<sup>th</sup> January 2013**. The requirements for these statements are as follows:
- They must be clearly marked in the top right hand corner with the relevant matter number and participant reference number.
  - They must not be of more than about 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 Examination Library.

- A4 size is required, with any plans nicely folded so as not to exceed that size.
- Page and paragraph numbers should be included.
- Any measurements should be metric.
- Appendices should have a contents page, and pages should be numbered consecutively. Where these and/or maps and other diagrams contain coloured material additional, hard copies may be required and the requisite number should be checked in advance with the Programme Officer.
- **A separate statement should be submitted for each matter addressed.**
- **Four hard copies** of any statement should be submitted – with one of these copies being loose-leafed. **In addition a single electronic copy in MS Word format** should be sent to the Programme Officer as an e-mail attachment by the deadline stated above.

7.2 Those participants who have been identified from their representation(s) as having an interest in a matter being discussed at a Hearing but who are unable or do not wish to attend the Hearing may submit a written response to the Inspector's questions. This should also be received by the date set for the submission of statements and the requirements set at Paragraph 7.1 equally apply. All submissions should be succinct, avoiding unnecessary detail and repetition. Substance counts more than weight. There is no need for verbatim quotations from the Local Plan or various sources of policy guidance. All statements should focus on the questions identified by the Inspector and on the 4 tests of soundness and demonstrate why the Local Plan is considered to be unsound and how it should be made sound. All statements should clearly indicate the policy/paragraph/page of the Local Plan and the relevant soundness test.

7.3 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 participants before the Hearing(s). Statements of Common Ground can be a useful way of narrowing the issues in dispute, and should be submitted by the above deadline and in accordance with the requirements set out at paragraph 7.1.

7.4 Any submissions received after the stated deadline will not normally be accepted. Exceptions may include any further evidence requested by the Inspector.

## **8. Arrangements for Hearings**

8.1 A short questionnaire is attached seeking confirmation as to whether you wish to be heard by the Inspector or are content for your representation(s) to be considered in writing. If you elect to be heard, this is likely to be done jointly with others who have a similar interest in the identified matter.

8.2 **Hearings will usually start at 10 am**, with a one hour break for lunch and shorter morning and afternoon 'comfort' breaks. The length of individual hearings is likely to vary according to the subject matter. Participants are expected to attend at the agreed time and, unless exceptional circumstances can be demonstrated, will not be given another opportunity should this be missed; the representation would then be considered in writing.

8.4 The finalised programme for the Hearings will be issued as soon as possible after the PHM.

## **9. Procedure at the Hearings**

9.1 The Hearings will be chaired by the Inspector and will be of an informal nature, taking the form of a discussion that he will lead around the questions that he has set out in his MIQs. These questions will be the agenda for each session. The emphasis will be upon the 4 tests of soundness. As mentioned, there will not normally be any formal statements or cross-examination. There is no need for participants to bring

with them professional advocates/legal representation but, should they wish to do so, they may take part as a member of the team rather than as advocates.

- 9.2 The Inspector will open each session by making a few brief comments. The Hearing will then progress under the Inspector's guidance, drawing those present into the discussion in a way that will enable him to gain the information that he needs to reach a firm conclusion on the matters that are before him. There will be an opportunity within the discussion to ask questions of the other side.
- 9.3 The Inspector advises that any large number of local residents wishing to participate in the discussions may like to cooperate to produce a joint statement and appoint a spokesperson or persons to represent them.

## **10. The Examination Library**

- 10.1 The Library will be updated and maintained by the Programme Officer during the Examination. It will include the evidence base, administrative papers (Attendance Sheets etc) and documents submitted by the Council and other participants during the Examination period. Where possible electronic copies of library documents will also be available via the Examination webpages. To ensure availability, anyone interested in viewing any of the documents held in the library should first contact the Programme Officer.

## **11. Site inspections**

- 11.1 The Inspector has already visited various parts of Hastings and St Leonards and will make further inspections before, during and after the Hearings to see areas or sites to which reference has been made. Most of these will be unaccompanied but if, exceptionally, there are features that cannot be seen without going onto private land and/or there are issues of safety/security, it may be necessary for an accompanied inspection to be made. Arrangements should be made through the Programme Officer. The inspection will then take place with the respondent (or respondent's representative) and the Council's representative. No discussion on the merits or otherwise of the policy or proposal will be permitted during the course of these inspections.

## **12. Close of the Examination**

- 12.1 The Examination will remain open until the Inspector's Report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the Hearings have finished unless he requests further information on a particular matter. **Any late or unsolicited material will be returned to the sender.**

## **13. Submission of the Inspector's Report to the Council**

- 13.1 After the Examination has closed, the Inspector will submit his Report with recommendations to the Council. The date of this submission will largely depend on the content, extent and length of the Examination. The Inspector intends to confirm the likely submission date at the end of the final Hearing.

## **14. Miscellaneous Matters**

- 14.1 A detailed note on matters discussed at the PHM will be circulated as soon as possible after that meeting. During the Hearings the Programme Officer will have an office at the Examination venue. The Examination Library will be available for inspection at any reasonable time, by arrangement with the Programme Officer, prior to or during the Examination. Reasonable requests for photocopying will be met wherever possible, subject to any charges that the Council may make. However, please note that requests to assist with producing copies of representations or to copy large volumes of material cannot be met.
- 14.2 Any participant who has a disability that could affect his/her contribution to the Examination should contact the Programme Officer as soon as possible so that any

necessary assistance can be provided. If you have any queries about the Examination or the procedure then please contact the Programme Officer in the first instance and if necessary she will refer the query to me. Her telephone number for the Examination is 07855 649 904, or write to her c/o Hastings Borough Council, Aquila House, Breeds Place, Hastings TN34 3UY.

Richard Hollox  
Inspector  
15 November 2012