

HASTINGS BOROUGH COUNCIL
EXAMINATION OF THE COUNCIL'S DEVELOPMENT MANAGEMENT PLAN
PROPOSED AND REVISED PROPOSED SUBMISSION VERSIONS
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 Council's Development Management Plan. As part of the Examination, Hearings are expected to commence at **10 am on Tuesday 18 November 2014 at the Horntye Park Sports Complex, Bohemia Road, Hastings, TN34 1EX**. A Pre-Hearings Meeting (PHM), at which procedural and administrative matters will be discussed, will be held at **2 pm on Tuesday 7 October 2014 at the same venue**.
- 1.2 This PHM will be an opportunity for participants to raise any issues that may be causing concern but it will not be an occasion for any discussion of the merits or otherwise of policies or proposals set out in the Plan. They will be matters for discussion at the Hearings. The dates of the Hearings are expected to be finalised at the PHM, but at present it appears that a total of 7 Matters (11 Hearings) will take place during the weeks beginning **Tuesday 18 & 25 November and 2 December 2014**.
- 1.3 These Notes provide information for all who have made representations on the submitted Plan, whether they wish to take part in a Hearing or rely on their original written representations. It is hoped that the issuing of these Notes at this stage in the process will help to make the PHM as useful an occasion 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 will have been considered at it. Everyone who has made representations may find **A Brief Guide to Examining Development Plan Documents**, published by the Planning Inspectorate, useful.
<http://www.planningportal.gov.uk/planning/planningsystem/localplans>

2. The Role of the Inspector

- 2.1 I am the independent Inspector who has been appointed by the Secretary of State to examine the Plan. My name is Richard E Hollox and I am a Chartered Town Planner and a Chartered Surveyor. My role is to consider whether the Plan has been prepared in accordance with the Duty to Co-operate, with other legal and procedural requirements and whether it is sound. In considering whether it is sound, I will focus on the tests of soundness set out in the National Planning Policy Framework (the Framework) paragraph 182. These tests to be met are that it has been *positively prepared, is justified, effective and consistent with national policy*. The Council should rely on evidence assembled 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. The Plan is the Council's document and the presumption is that it has submitted what it considers to be a sound plan. I will examine it against these 4 tests of soundness.

3. The Programme Officer

- 3.1 The appointed Programme Officer is Lynette Duncan. 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 statements received both before and during the Hearings are recorded and distributed and to keep and update the Examination Library. These statements comprise mainly those invited in response to the Matters, Issues and Questions (MIQ) and any other information which I may request. Copies of all these statements will be available in the Examination Library and on the web page for the Examination. The Programme Officer can be contacted as set out in these Guidance Notes and in the accompanying covering letter.

4. The Pre-Hearings 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. Enclosed is my **draft** list of MIQs to be discussed at each Hearing, as well as the expected timetable for the Hearings. I must emphasise that these MIQs are at a **draft stage at present** and may be changed in the light of the discussion of them at the PHM.
- 4.2 Although it is not necessary for participants to attend the PHM, all those who intend to take part in a Hearing to address me are strongly encouraged to do so or to be represented. This will make the PHM more useful and assist with the subsequent running of the Examination. If attendance is not possible, however, no right to be heard would be prejudiced. As already noted, the PHM will not be a forum for discussion of the contents of the Plan. That discussion will take place at the Hearings.

5. The Examination Process

- 5.1 I have already begun my examination of the Plan. My initial, draft list of MIQs is derived in part from my reading of the Plan, the representations made upon it and the various other documents with which I have been provided. It should be noted that not all representations are covered by the draft MIQs. Although I have to consider all the representations, this is only in so far as they relate to the 4 tests of soundness. Unlike the previous development plan system, I am not required to make a judgement on each and every point made in each and every representation or to report on it. I will, however, use the representations as a starting point in considering whether the Plan is sound.
- 5.2 Any person or organisation listed as having made a representation on a matter which I have identified is invited to submit a statement addressing the key questions in the MIQs relating to that matter. The material should not amount to substantive

new evidence going beyond the scope of the original representation. It should be in the form of amplification of the original representation in the context of the MIQs. The submission of such a statement is not, however, a requirement, and respondents can rely solely upon their original written representation if they so wish. The Council will be expected to respond to my 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 which I shall chair. I want the procedure to be as informal as possible. I do not envisage any formal 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 representations on the subject matter will still be able to make further written submissions in response to my MIQs should they so choose, within the timescales set out below. I will have equal regard to views put by word of mouth or in written form. All members of the public are most welcome to attend the Hearings as observers.

7. The Submission of Statements

- 7.1 All statements, hard copies and electronic, including those from the Council in response to my MIQs must reach the **Programme Officer by not later than 4 pm** on a date that will be announced at the PHM. **It is likely to be Friday 31 October 2014.** The requirements for these statements are as follows:
- a) They must be clearly marked in the top right hand corner with the relevant matter number and participant reference number;
 - b) They must not be of more than about 3,000 words on any one of the main matters; if more detailed information needs to be submitted, it should be in the form of an appendix (see below), but any such material should not duplicate the content of documents included in the Examination Library;
 - c) A4 size is required with any plans nicely folded so as not to exceed that size;
 - d) Page and paragraph numbers must be included;
 - e) Any measurements must be metric;
 - f) 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 me;
 - g) A separate statement is required for each Matter addressed;
 - h) **Three hard copies of any statement** should be provided, with one of them being loose-leafed; **in addition, a single electronic copy in MS Word** format should be sent to the PO as an e-mail attachment by the above deadline. The hard copies to be sent to the PO c/o Hastings Borough Council, Aquila House, Breeds Place, Hastings, E Sussex TN34 3UY.

- 7.2 Those participants who have been identified from their representation(s) as having an interest in a Matter to be 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 MIQs. This must also be received by the time and date set for the submission of statements, and the requirements set out in the above paragraph equally apply. All submissions should be succinct, avoiding unnecessary detail and repetition. Substance and quality count more than weight. **There is no need for verbatim quotations from the Plan or various sources of policy guidance.** All statements should focus on the MIQs and on the 4 tests of soundness. They should demonstrate why the Plan is deemed not to be sound and how it could be made sound. All statements should clearly indicate the Plan policy/paragraph/page and the relevant soundness test(s).
- 7.3 Participants should attempt to reach agreement with the Council on factual matters before the Hearings start and everyone is encouraged to maintain a dialogue with the Council and other participants before the start of the Hearing(s). **Statements of Common Ground** can be a useful way of narrowing the issues in dispute. They, too, should be submitted by the above deadline and in accordance with the requirements at paragraph 7.1. Any submissions received after that deadline will not normally be accepted. A very good reason indeed would be required for the deadline to be waived. Exceptions might include additional information which I request.

8. Arrangements for the Hearings

- 8.1 As a participant you have the right to be heard at the Hearings. You may be content for your representations to be considered in their written form. If you elect to be heard, this is likely to be done jointly with other people who have the same or similar views.
- 8.2 Hearings will usually start at **10 am** with about one hour for lunch and mid-morning and mid-afternoon breaks of about 10 minutes. The length of each individual Hearing is likely to vary according to the nature of the matter under discussion and the number of people who wish to be heard. No Hearing is likely, however, to continue much after **5 pm**. Participants will be expected to attend at the agreed time and, unless exceptional circumstances can be convincingly demonstrated, will not be given another opportunity to do so. The representation would then be considered in its written form. Participants are strongly urged to keep in touch with the Programme Officer in case there are any changes to the programme. In my experience, such changes are not unusual.
- 8.3 The finalised programme for the Hearings and the MIQs will be issued as soon as possible after the PHM.

9. Procedure at the Hearings

- 9.1 I will chair the Hearings and they will normally be of an informal nature, taking the form of a discussion, which I will lead. I will focus discussion on the questions set

out in the MIQs. These questions will form the agenda for each Hearing. The emphasis will always be on the 4 tests of soundness. As mentioned, there will not normally be any formal procedures like the cross-examination of witnesses. There is no obligation on participants to bring professional advocates and/or legal representation with them but, should they choose to do so, their representatives would be expected to take part in the discussion in much the same way as other participants.

- 9.2 I expect to open each Hearing by making a few brief comments. The Hearing will then progress under my guidance, drawing those present into the discussion in a way which will enable me to gain the information that I need in reaching a firm conclusion on the matters before me. There will be an opportunity within the discussion for participants to ask questions of the other side. Any large number of residents wishing to participate in the discussions may like to co-operate to produce a joint statement and appoint a spokesperson or persons to represent them. A case in point may be for the area known as Speckled Wood.

10. The Examination Library

- 10.1 During the Examination, the Programme Officer will maintain and update the Examination Library. It will include the evidence base (sometimes known as core documents), administrative papers (eg attendance sheets) and statements submitted by the Council and other participants during the Examination period. Where possible, electronic copies of material in the Examination Library will be available via the Examination web pages. To ensure availability of any particular document, any person wishing to see it should first contact the Programme Officer or check the web page.

11. Site Inspections

- 11.1 I visited much of Hastings and St Leonards during my examination of the Hastings Planning Strategy and I will make further inspections during and after these Hearings to see areas and sites to which reference is made. Most of these inspections will be unaccompanied but if there are features which cannot be properly appreciated from the public highway or if there are issues of safety/security, it may be necessary for an accompanied site inspection to be arranged. Similarly, if a large number of people request an accompanied site inspection, I would consider so doing.
- 11.2 Subject to it being restricted to a reasonable number, an accompanied site inspection would be attended by the person(s) requesting it and the Council's representative. No discussion on the merits or otherwise of the policy or proposal concerned would be permitted. The Hearings are the place for that.

12. Close of the Examination

- 12.1 The Examination will remain open until I submit my Report to the Council. I will not, however, accept any further representations or evidence after the Hearings have

finished unless I ask for further information on a particular matter. The Programme Officer will return any unsolicited material to the sender.

Submission of Inspector's Report to the Council

- 12.2 At the close of the Examination, I will submit my Report with its recommendations to the Council. The date of this submission will largely depend on the content, extent and length of the Examination. I expect to confirm the likely date of submission at the end of the final Hearing.

13. Miscellaneous Matters

- 13.1 During the Hearings, The Programme Officer will have an office at the Examination venue, the Horntye Sports Complex. The Examination Library will be available for visits at any reasonable time, by arrangement with the Programme Officer, prior to or during the Examination. Reasonable requests for photocopying will be met whenever possible, subject to any charges which the Council may make. Please note, however, that requests to assist with producing copies of representations or to copy large volumes of material cannot be met.
- 13.2 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.
- 13.3 I look forward to meeting participants at the Pre-Hearings Meeting.

Richard E Hollox BA(Hons) BSc(Econ) MPhil FRTPI FRICS

Inspector

Date: 12 September 2014