

**Broads Local Plan**  
**EXAMINATION GUIDANCE NOTE**  
**May 2018 (v.1)**

Inspector – Ms Katie Child BSc. (Hons) MA MRTPI

Programme Officer – Maria Conti

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**Purpose of the Guidance Note**

1. This note provides guidance to participants on the procedural and administrative arrangements for the examination.
2. It should be read alongside two further notes:
  - The draft **Hearings Programme** – this is an initial draft version, and will be updated in late June 2018.
  - The Inspector’s **Matters, Issues and Questions (MIQs)** – these will form the core of the discussion at the Hearing sessions.

**The Inspector’s role in the examination**

3. I have been appointed by the Secretary of State for Housing, Communities and Local Government to examine the soundness of the Broads Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations.
4. The *National Planning Policy Framework* (2012) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.
5. 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*<sup>1</sup>), 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 Broads Authority, setting out my conclusions. The report will deal with broad issues rather than specifically with each individual representation.

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<sup>1</sup> For further information on the modifications process, see page 4 below.

## The Programme Officer

7. The Programme Officer for the examination is Maria Conti. She is working under my direction and is independent of the Authority. Her role is to act as a channel of communication between all parties and the Inspector, and to deal with practical and procedural matters relating to the Examination. Her contact details are:

Maria Conti, The Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY  
Tel. 01603 756070  
Email: programme.officer@broads-authority.gov.uk

## Hearing dates

8. The Local Plan Examination hearings will commence on **Monday 2<sup>nd</sup> July 2018**, and will run for two weeks between 2<sup>nd</sup> - 6<sup>th</sup> and 16<sup>th</sup> - 19<sup>th</sup> July.
9. The hearing sessions will be held at **The Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY.**

## Hearings process

10. The hearings will take the form of a roundtable discussion which the Inspector will lead. They will not involve the formal presentation of cases by participants or cross-examination. Discussion at the hearing sessions will centre on the Inspector's **Matters, Issues and Questions (MIQs)** accompanying this note.
11. **If you would like to participate in a hearing session, please contact the Programme Officer by Friday 15<sup>th</sup> June 2018.** However, please note that:
  - Only those who have previously made representations relevant to the matters being discussed and are seeking to change the Plan, and who register a request to attend, have a right to participate at the hearing sessions.<sup>2</sup> However, the sessions are open for anyone to observe.
  - Written representations and oral representations will carry the same weight, and equal regard will be had to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful if you wish to participate in the discussion.
12. The hearing sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.
13. An initial draft **Hearings programme** is available on the Authority's website. An updated version will be published in late June 2018, and will include a list of participants. It will be for individual participants to check the progress of the hearings, either on the website or with the Programme Officer, and to ensure that they are present at the right time.

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<sup>2</sup> S20(6) of the Planning and Compulsory Purchase Act 2004

## **Hearing statements**

14. The Authority should produce a hearing statement for each of the issues and questions set out in the accompanying list of ***Matters, Issues and Questions***.
15. Those who made representations may also submit hearing statements on the MIQs. However, the preparation of a hearing statement is not a requirement, and representors may wish to rely on previous submissions.
16. 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. In addition, the Statements should:
  - Be prepared separately on each Matter.
  - Include page and paragraph numbers
  - Clearly identify the Matter and question number(s) being answered.
  - State whether any of the Authority's proposed modifications<sup>3</sup> would resolve the concerns and make the Plan sound.
  - Indicate whether any other 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).
17. In preparing statements you should be aware of the Inspector's initial questions to the Authority and subsequent responses, and the Authority's updated list of evidence documents on the Examination webpage.
18. **Three paper copies and an electronic version of each hearing statement should be submitted to the Programme Officer, for receipt by Friday 15<sup>th</sup> June 2018 (5pm).** Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
19. 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 Programme Officer.
20. Aside from these hearing 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.

## **Site visits and close of the examination**

21. The Inspector will visit sites and areas before, during, or after the hearings where this is necessary to the assessment of the soundness of the Plan. This will be undertaken on an unaccompanied basis unless there is a need to go on to private land.
22. The examination will remain open until the Inspector's report has been submitted to the Authority. However, further representations or evidence after the hearing sessions have ended will not be accepted unless specifically requested by the Inspector. Late or unsolicited material may be returned.

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<sup>3</sup> As set out in the Authority's Schedule of Proposed Changes (March 2018).

## **Changes to the plan**

23. The starting point is that the Authority has submitted a plan which they consider is 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*' or *minor modifications* made by the Authority on adoption.
24. 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.<sup>4</sup> *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.
25. '*Additional modifications*' are those changes which do not materially affect the policies in the Plan.<sup>5</sup> They are made by the Authority and are also sometimes referred to as minor modifications.<sup>6</sup> The Authority is accountable for any such changes and they do not fall within the scope of the examination.<sup>7</sup>

## **Further information**

26. Copies of examination documents can be found on the Examination website <http://www.broads-authority.gov.uk/planning/planning-policies/development/future-local-plan/examination-of-the-local-plan-for-the-broads-2018> Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be put in hand.
27. Further information about the preparation and examination of Local Plans can be found in the *National Planning Practice Guidance* <http://planningguidance.communities.gov.uk/> and the Planning Inspectorate's *Procedural Practice in the Examination of Local Plans – June 2016 (4<sup>th</sup> Edition v.1)* <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

*Katie Child*

INSPECTOR

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<sup>4</sup> Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

<sup>5</sup> S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

<sup>6</sup> For example in *Examining Local Plans Procedural Practice*

<sup>7</sup> 2.4 & 4.7 of *Examining Local Plans Procedural Practice*