

Eastleigh Borough Council

Examination of the Local Plan

Guidance Note for people participating in the Examination

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Introduction

1. This note is intended to assist those who have made representations in relation to the examination of the Eastleigh Local Plan as part of the pre-submission consultation process and those who wish to appear in person. Its purpose is to explain the procedural and administrative matters relating to the examination process.

Inspector and Programme Officer

2. The Plan was submitted to the Secretary of State for independent examination on 31 October 2019. I am the Inspector who has been appointed to carry out the examination.
3. The Programme Officer (PO) for the Examination is Louise St John Howe. She can be contacted on 07789 486419 or by email at louise@poservices.co.uk.
4. The PO is independent of the Council and works as an impartial officer of the Examination under my direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearings, to ensure that all documents are recorded and distributed as necessary. Any documentation connected with the Examination process should be forwarded to her. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be directed through the PO.

Examination Hearings

5. The Examination hearings for the Eastleigh Local Plan (LP) will commence on Thursday 21 November 2019 at 10am. The hearings will form part of my Examination of this Local Plan and will proceed on the basis of an agenda that I will prepare shortly in advance of the hearings. I will also produce a provisional timetable which may be subject to change and will be placed on the Examination website.
6. There will be no pre-hearing meeting held. Participants are advised to make use of the Examination website where further information concerning the hearing sessions, timetable and relevant documents can be found. www.eastleigh.gov.uk/lpexamination

Inspector's role and the Examination process

7. My task is to consider the soundness and legal compliance of the Local Plan, on the basis of the relevant legislation and the guidance contained within paragraph 182 of the National Planning Policy Framework (NPPF). Considering soundness involves examining the Local Plan to determine whether it is:
 - (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - (c) **effective** – deliverable over its period and based on effective joint working; and

- (d) **consistent with national policy** – able to achieve sustainable development in accordance with the NPPF’s policies.
8. The starting point for the Examination is that the Council has submitted what it considers to be a sound LP. Those seeking changes must demonstrate why it is unsound by reference to one or more of the tests of soundness. Representations will be considered insofar as they relate to soundness and legal requirements. My report will not refer to individual representations.
9. I will seek to address unresolved issues concerning soundness or legal compliance of the plan through round table discussions at the examination hearings as well as through a consideration of the original written representations. It should be emphasised that my role is not to improve the LP or to make it “more” sound but to determine whether or not it meets the soundness tests as it stands. For example, if an alternative version of a policy is put forward I cannot recommend it as an improvement if the LP is already sound. It is possible that further work will need to be carried out by the Council. If that is the case, the timetable, when known, will be provided on the examination website.

The Matters and Issues for the Examination

10. I have identified a number of Matters, Issues and Questions which relate to the soundness of the LP and these have been set out in detail in my Matters, Issue and Questions which are posted on the Examination pages of the EBC website. I sent the Council some initial questions on 20 March 2019 which can be seen on the Examination pages of the website. I have been provided with a response to this letter from the Council dated 29 March 2019 and this is also available on the Examination pages of the website.
11. Participants should be aware that the Council have produced updated/additional evidence in connection with the Local Plan examination. These documents can be found here

<https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-examination/examination-library/documents-submitted-since-october-2018>

and representors may wish to take account of these documents in preparing any written statements. Where necessary, my matter and issues take account of these additional documents.

Alternative sites

12. The allocations, policies and overall strategy identified by the Local Plan should be appropriate having considered relevant alternatives and should be founded on a robust evidence base.
13. My starting point is that the Council has submitted allocations, policies and an overall strategy which it considers to be sound. I will not look beyond the LP’s allocations, policies or strategy unless I conclude otherwise. There is no requirement for me to report on individual alternative sites and if I find the allocations contained within the Local Plan to be sound, individual alternative sites are unlikely to be addressed

as part of my report.

Representations and written statements

14. Respondents have been asked by the Council whether their views should be dealt with in written form or whether they need to come and put them across at a hearing. **Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing.** Attendance at a hearing session will only be useful and helpful to me if you need to participate in a discussion concerning the soundness or legal compliance of the Local Plan. Those who wish to proceed by written means can rely on what they have already submitted. There is no need to prepare a further statement if all the points are already covered in the original representation.
15. For those who do choose to provide statements, they should directly address the matters to be identified in the Schedule of Matters and Issues. Please only submit appendices to statements where they are essential. The statement should make it clear why they are relevant. Appendices should have a contents page and be paginated throughout. They should not contain extracts from any publication that is already before the examination, such as the Submission, Supporting and Examination Documents – a paragraph number or page reference will suffice. Representor's statement should encompass the following:
 - relate solely to the matters raised in their earlier representation
 - explain which particular part of the LP is unsound
 - explain why it is unsound, having regard to the NPPF
 - explain how the LP can be made sound
 - explain the precise change/wording that is being sought
16. From the Council, a written statement in response to all of the matters is required. These should include full and precise references to the evidence base to justify the policy and to demonstrate that the Local Plan is sound. They should also include references to any main modifications the Council considers necessary to make the Local Plan sound and set out the Council's position on changes sought by other parties, where relevant.
17. All statements should be provided to the PO in accordance with the key dates produced at the end of this guidance note. Statements should be limited to no more than 3000 words per matter. They should include the appropriate Matter and Issue number, as well as the name of the representor, at the top of the front page. Unnecessary repetition should be avoided. Representors should also bear in mind that the Council has produced a schedule of proposed changes to the LP (ED32 in the Examination documents) in light of the representations made. In some cases this may satisfactorily address the comments or objections made.
18. Three paper copies (not bound) of each written statement should be sent to the PO. An electronic copy should also be provided. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
19. Participants should adhere to the timetable to be published for submitting

written statements. **Late submissions and additional papers are unlikely to be accepted on the day of the relevant session**, since this can cause disruption and result in unfairness, and may lead to the hearing being adjourned. In addition, I will not accept any further representations or evidence after the hearing sessions have finished unless specifically requested. Any late or unsolicited material is likely to be returned.

Statements of Common Ground

20. Further discussion between the Council and representors is strongly encouraged, this should ideally take the form of a statement of Common Ground. These statements will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearing to concentrate on the key issues that need further testing to establish whether the plan is sound. They could, for example, include agreed wording of a suggested change to a policy, agreed factual information, or clearly-identified points of disagreement. Statements of Common Ground should be submitted in time to feed into the relevant hearing statement. Please advise the PO in connection with the progress of the preparation of such statements.

Site visits

21. Where necessary, I shall visit sites and areas referred to in the representations and statements before, during, or after the hearings. These visits will generally take place unaccompanied by any other parties, unless I need to arrange access to private land.

Participation at hearing sessions

22. Only those who have made representations seeking to change the Local Plan have a right to appear before, and be heard by, the Inspector.¹ However, I must stress that written representations carry the same weight as those made orally at a hearing session. As a result, participation at a hearing session is only necessary if, in the light of the Matters and Issues, you have specific points you wish to contribute.
23. To confirm, people who are able to participate in the forthcoming hearing sessions are those who made representations seeking to change the Local Plan under Regulation 20 (ie when the Council invited representations before submitting the LP for Examination) where their representation relates to a point among the Matters and Issues to the Examination.
24. The right to participate in a hearing extends only to those who propose changes to the LP in order to make it sound and legally compliant and is limited to those policies or matters which were the subject of the original representation. This strictly excludes those who have simply commented on a policy in the LP. So although anyone can attend the ability to speak is not available to all but is limited to either those with a legal right or those specifically invited. There is no need for those supporting the Local Plan to take part in the hearing. **All those that are seeking a change to the LP and wish to participate in the hearing session(s) please inform the Programme Officer no later than 11 October 2019.** If

¹ S20(6) of the Planning and Compulsory Purchase Act 2004

you do not contact the PO by that date it will be assumed that you do not wish to appear to be heard and you will not be listed as a participant. A draft programme and list of participants will be prepared which will be regularly updated and available on the Examination website. The hearing session will be open for anyone to observe.

Hearings Arrangements

25. The Council will advertise the start of the hearing sessions at least 6 weeks in advance.
26. The hearing sessions will commence on Thursday 21 November at 10am at the Millennium Suite, Botley Grange Hotel, Grange Road, Hedge End, Southampton, Hampshire, SO30 2GA. The hearing sessions will take place across a number of weeks and the full schedule of dates will be placed on the examination website. The PO will draw up the hearing programme which will reflect the main topics for discussion and invite participants on each date. Please check the Programme on the Examination website regularly for the full details of times and sessions. **It is the responsibility of participants to keep themselves up to date with the arrangements and programme, including being available at the reserve time indicated on the programme.** Whilst every effort will be made to keep to the draft timetable, late changes may be unavoidable.
27. The oral Examination will be based on the Matters, Issues and questions which will be published shortly. The hearings will deal with the individual policies and any issues in turn and will consider them by way of structured discussions which I will lead. The hearings will not normally involve cross-examination. Those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of the respective team.
28. The purpose of the hearings is to concentrate on the matters that I need to hear about. It is not an opportunity simply to repeat a case already set out in written representations. The discussions will be structured around an agenda which will be issued in its final form shortly before each hearing session. The emphasis will be on testing for soundness. I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal chance to speak.
29. Please advise the Programme Officer as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

Availability of information

30. The PO will maintain the Examination Library online at the Examination website. This contains all of the core documents, copies of the evidence base, associated documents and representations. The library will also include further written statements and related correspondence as it is received. The PO will also maintain a record of all documents submitted.

Closing the Examination and the Inspector's Report

31. After the hearings have closed, I will prepare a report for the Council with my conclusions and recommendations. I will have explained the next steps in the Examination process including any indication of its likely completion date at the final hearing session. If I find the submitted Local Plan to be legally compliant and sound in all respects, my report will recommend its adoption. If I find the Local Plan non-compliant or unsound in any respect, I can, subject to the Council's formal notification and agreement, recommend main modifications to make it compliant and sound. My report will deal with the main issues concerning the soundness of the Plan, taking into account the representations received.
32. If Main Modifications are proposed by the Council, adequate consultation will need to take place on them where necessary, so that the rights of interested parties are not prejudiced. Where appropriate, main modifications may also need to be covered by a revised Sustainability Assessment. The Council may then, if it so wishes, formally adopt the LP, incorporating the recommended main modifications.
33. The Examination will remain open until my report is submitted to the Council. However, no further representations or evidence will be accepted after the hearings close, unless I specifically request it. Any late unsolicited material will be returned.

Christa Masters

INSPECTOR

19 August 2019

KEY DATES

Week commencing 23 September 2019	Inspector's Matters Issues and Questions to be published Draft Hearings Programme to be published
11 October 2019	Representors who wish to be heard at the hearings to contact the Programme Officer
18 October 2019	Deadline for Hearing Statements matters 1-6 inclusive (both hard and electronic copies) to be received by the Programme Officer
22 November 2019	Deadline for Hearing Statements matters 7-14 inclusive (both hard and electronic copies) to be received by the Programme Officer
Week commencing 4 November 2019	Hearings programme to be finalised and published
Week commencing 11 November 2019	Agendas to be published
Thursday 21 November 2019	Hearings commence

