

North Hertfordshire District Council

Examination of the North Hertfordshire Local Plan 2011 - 2031

Guidance note for people participating in the examination: the procedure following the Inspector's letters to the Council in July and August 2019

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Introduction

1. I am Simon Berkeley, the Planning Inspector appointed by the Secretary of State for Housing, Communities and Local Government to independently examine the soundness of the North Hertfordshire Local Plan 2011 - 2031 ('the Plan'). I have prepared this guidance note.
2. As you will no doubt be aware, I wrote to the Council on 9 July 2019 and again on 9 August 2019. In these letters I raised some concerns about the Local Plan and parts of the evidence base supporting it. I also raised some additional points and queries for clarification. The Council provided its response to all of the points I raised in November 2019. All of this correspondence and the associated documents are on the examination web-page and have been since December last year.
3. The purpose of this note is to explain the process following this written exchange. This note supplements the main guidance note I prepared for the examination as a whole [ED11] and should be read in conjunction with it.

National planning policy and guidance

4. A new National Planning Policy Framework was published last year. This includes 'transitional arrangements' whereby local plans submitted on or before 24 January 2019 are to be examined on the basis of the National Planning Policy Framework 2012 ('the 2012 NPPF'). That is the basis for this examination. Consequently, the 2012 NPPF and the Planning Practice Guidance supporting it remain 'in force' for the purpose of this examination. All references in this note are to the 2012 NPPF.

The matters for exploration through further hearing sessions

5. In my letters to the Council I indicated that further hearing sessions would be necessary in relation to some of the concerns I raised. The reasons why I consider hearings necessary in some instances and not others are set out in my letters to the Council.
6. In addition to those matters, there are two others on which I consider a further hearing session is required:
 - a) the supply of land for housing - this is because this matter is one of fundamental importance and the Council has produced a note which indicates that there has been a significant change in the situation since it was previously discussed; and
 - b) the proposed use of the optional national technical standards for water efficiency and the nationally described internal space standards for dwellings - a hearing is necessary on this issue because it has not been discussed at a hearing previously and I have raised it as a concern with the Council.
7. I have now produced a 'Schedule of Further Matters, Issues and Questions' ('the Further MIQs'). This sets out the matters that will be considered at the further hearing sessions and will form the focus for the examination going forward.
8. I turn now to explain the process, firstly in relation to matters that will be discussed at the further hearings and then with regard to those that will not be considered at the further hearings.

The Further MIQs

9. The Further MIQs have been circulated to the examination's participants with this note and is also available on the examination webpage. I have also issued a draft timetable for the further hearings. Any comments on either the draft hearings timetable or the scope of the matters I have set out should be sent to the Programme Officer by **5.00pm on Monday 27 January**.

Written statements

10. Your views can be considered in three ways:
 - a) you can rely on the written comments you have already made
 - b) you can if you wish also submit a written statement responding to the Further MIQs I have issued alongside this note
 - c) you can, if you wish and are entitled to do so, participate in the further hearing sessions - I explain this further below
11. For those who do choose to provide statements, they should directly address the matters I have identified in the Further MIQs.
12. All statements should:
 - a) relate solely to the matters you have raised in your earlier representation/comments
 - b) explain which particular part of the Plan is unsound
 - c) explain why it is unsound, having regard to the 2012 NPPF
 - d) explain how the Plan can be made sound
 - e) explain the precise change/wording that is being sought
13. The Council has already responded to my concerns and queries. I therefore do not require any written statements from the Council responding to my Further MIQs, except in relation to Matter 22 - the supply of land for housing. As mentioned above, this is because this matter is one of fundamental importance and it appears that there has been a significant change in the situation since it was previously discussed. My Further MIQs indicate the material I require from the Council in relation to this issue. It is open to the Council to provide statements to any other, or all, of the Further MIQs if it should so wish.
14. **One electronic copy and three paper copies** (not bound) of each written statement should be sent to the Programme Officer. Statements should be no longer than 3,000 words for each matter. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices and should be clearly related to the case being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
15. **Electronic and paper copies of all statements must be received by the Programme Officer by 5.00pm on Thursday 27 February at the latest.** If not received by this deadline, the Programme Officer will assume that written statements are not being provided.
16. Participants should adhere to the timetable 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.
17. I will not accept any further representations or evidence after the hearing sessions have finished unless I specifically request it. Any late or unsolicited material is likely to be returned.

Participation at the further hearing sessions

18. **Only those who have made representations seeking to change the Plan have a right to appear before, and be heard by, the Inspector.**¹ It is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at the further hearing sessions is only necessary if, in the light of the Further MIQs, you have specific points you wish to contribute.
19. People who are able to participate in the forthcoming further hearing sessions are those who made a representation responding to the Council's consultation (which ran from 3 January to

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

11 April 2019) about the main modifications and the additional work undertaken by the Council where that representation relates to a specific point that is among the Further MIQs.

20. Justifying and 'defending' the Local Plan is a matter for the Council and people supporting it do not have an automatic right to be heard. However, as a matter of discretion and as it is highly likely to assist me considerably, those who are promoting one of the sites proposed for development in the Local Plan may also participate in the further hearing sessions where the site they are promoting is among those listed for discussion in the Further MIQs.
21. If you are able to participate in the further hearings and wish to do so, you should contact the Programme Officer **by 5.00pm on Monday 3 February** indicating the Matter and the session you wish to attend (see the draft hearings timetable). **Please note that if you do not contact the Programme Officer by that date it will be assumed that you do not wish to appear and be heard, and you will not be listed as a participant.**

The venue, the timetable and day to day arrangements

22. The further hearing sessions will start on **Monday 16 March at 10.00am**. They will be held in the **Icknield Centre, Icknield Way, Letchworth Garden City, SG6 1EF** (see icknieldcentre.com for venue details).
23. Every effort will be made to keep to the draft timetable, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will endeavour to inform the participants of any late changes to the timetable, **but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme. Participants need to be ready to attend on the Reserve time indicated on the programme - this will be used if necessary to complete any unfinished sessions.**
24. Sessions will normally start at 9.00am (except the first day which will start at 10.00am) and 2.00pm each day, with a break for lunch at about 1.00pm, and a finish at about 5.00pm. A short break will be taken mid-morning and mid-afternoon.
25. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the further hearing sessions.

The matters not being explored through the further hearing sessions

26. A number of matters that I raised with the Council in my letters of 9 July and 9 August 2019 are not scheduled for discussion at a further hearing session. My starting point here - as set out in the Planning Inspectorate's guide '*Procedure guide for local plan examinations*' (June 2019, 5th edition) - is that further hearing sessions will not usually be held unless they are necessary to resolve a fundamental soundness issue, to deal with substantial issues raised in the representations or to ensure fairness. I have reached my decision on which matters will be the subject of a further hearing in the light of this guidance.
27. If you made a representation responding to the Council's consultation (which ran from 3 January to 11 April 2019) about the main modifications and the additional work undertaken by the Council, I will take it into account in coming to my conclusions about the soundness of the Local Plan - as with all representations. If the Council's response to my letters of July and August 2019 covers any of the points you raised that are not among those to be discussed at a further hearing, there will be an opportunity for you to make a final comment in the light of the Council's response.
28. Once the further hearing sessions are completed, there will be one final focussed consultation. This will invite representations on:
 - a) the Council's response to my letters of July and August 2019 insofar as it relates to matters not discussed at the further hearing sessions; and
 - b) any main modifications I consider necessary for soundness that have not already been the subject of consultation - including any arising from the further hearing sessions - and the

Sustainability Appraisal of those main modifications; and, should the need arise

- c) any other evidence or work produced by the Council that has not already been the subject of consultation that I consider needs to be consulted on.

I will take all representations received through this consultation into account in coming to my final conclusions about the soundness of the Local Plan.

My report

29. Once the final consultation mentioned above has concluded, I will write a report to the Council setting out my conclusions about the legal compliance and soundness of the Local Plan. This will include my recommendations concerning the main modifications I consider necessary to render the submitted plan sound.
30. The examination will remain open until my report has been submitted to the Council. However, as mentioned above, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

I trust that you find this Guidance Note helpful. If you have any further questions, please contact Mrs St John Howe - she will be happy to assist if at all possible.

Simon Berkeley

Inspector

Reminder of key dates:

- Deadline for comments on my Further MIQs and the timetable for the further hearings: **Monday 27 January, 5.00pm**
- Deadline to confirm with the Programme Officer whether you wish to participate in the further hearings, indicating the matter and the hearing session: **Monday 3 February, 5.00pm**
- Deadlines for submission of statements: **Thursday 27 February, 5.00pm**
- The further hearing sessions open: **Monday 16 March, 10.00am**