

Rossendale Local Plan
EXAMINATION GUIDANCE NOTE
July 2019 (v.1)

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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 early September 2019.
 - 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. We have been appointed by the Secretary of State for Housing, Communities and Local Government to examine the soundness of the Rossendale 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 (2019) (NPPF) 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*¹), 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 we will prepare a report to Rossendale Borough Council, setting out our conclusions. The report will deal with broad issues rather than specifically with each individual representation.

¹ For further information on the modifications process, see page 4 below.
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The Programme Officer

7. The Programme Officer for the examination is Tony Blackburn. He is working under our direction and is independent of the Council. His role is to act as a channel of communication between all parties and the Inspectors, and to deal with practical and procedural matters relating to the Examination. His contact details are:

Address - Tony Blackburn, Local Plan Programme Officer, 15 Ottawa Close, Blackburn BB2 7EB.

Tel. 01254 260286

Email: tonyblackburn@rossendalebc.gov.uk

Hearing dates

8. The Local Plan Examination hearings will commence on **Tuesday 24th September 2019** and will run until **Thursday 10th October 2019**. The sessions will be held at **Rossendale Borough Council, The Business Centre, Futures Park, Bacup, OL13 0BB**.

Hearings process

9. The hearings will take the form of a roundtable discussion which the Inspectors will lead. They will not involve the formal presentation of cases by participants or cross-examination. Discussion will centre on the Inspector's **Matters, Issues and Questions (MIQs)** accompanying this note.
10. If you would like to participate in a hearing session, please contact the Programme Officer by **30th August 2019**. 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. 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.
11. 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.
12. An initial draft **Hearings Programme** accompanies these Guidance Notes. An updated version will be published early September 2019 and will include a list of participants. Participants should check the progress of the hearings, either on the website or with the Programme Officer, to ensure that they are present at the right time.
13. The programme includes some reserve sessions, which will be used if other sessions overrun. Participants are requested to make a note of these dates and allow for additional availability at these times.

Hearing statements

14. The Council should produce a hearing statement for each of the issues and questions set out in the accompanying list of ***Matters, Issues and Questions***. As part of its response the Council should address key concerns raised in the representations on the publication draft Plan.
15. Hearing statements from those who made representations should be a maximum of 3000 words for each Matter, and 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.
 - Clearly identify the Matter and question number(s) being answered.
 - Include page and paragraph numbers.
 - Indicate whether any 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).
16. In preparing statements you should be aware of the Inspector's Pre-Hearing Note 1, the Council's subsequent responses, and the Council's updated list of evidence documents on the Examination webpage.
17. Three paper copies (including any appendices) and for those of you online an electronic version of each hearing statement should be submitted to the Programme Officer, for receipt by **30th August 2019 (5pm)**. Unless there are exceptional circumstances is it likely that late submissions will not be accepted.
18. 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. 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.
19. Aside from these hearing statements no other written evidence will be accepted, unless we specifically request it. The hearing sessions should not be used to introduce new evidence or arguments.

Site visits and close of the examination

20. We will visit sites before, during, or after the hearings where 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.
21. The examination will remain open until the Inspector's report has been submitted to the Council. However, further representations or evidence after the hearing sessions have ended will not be accepted unless specifically requested by the Inspectors. Late or unsolicited material may be returned.

Changes to the plan

22. The starting point is that the Council 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 Council on adoption.

23. However, we can only recommend *main modifications* if requested and if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. We cannot make recommendations simply to 'improve' a policy or proposal, unless this is necessary for soundness/legal compliance reasons. *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.
24. '*Additional modifications*' are those changes which do not materially affect the policies in the Plan, such as factual updates or typographical errors. They are made by the Council and are also sometimes referred to as minor modifications. The Council is accountable for any such changes and they do not fall within the scope of the examination.

Further information

25. Copies of examination documents can be found on the Examination website https://www.rossendale.gov.uk/info/210148/local_plan/10629/emerging_local_plan/2 Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be put in hand.
26. 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 2019 (5th Ed. v.1)* <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Katie Child & Luke Fleming

INSPECTORS