

New Forest National Park Local Plan Examination

Inspectors' Guidance Notes

1.0 Introductions

- 1.1 We are Kevin Ward BA (Hons) MRTPI and Caroline Mulloy BSc (Hons) DipTP MRTPI, the Inspectors appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the New Forest National Park Local Plan. We shall refer to the document as "the Local Plan" during the examination.
- 1.2 Chris Banks is the Programme Officer for the examination, working under our direction independently from the National Park Authority (the Authority). He is responsible for organising the administration of the examination, maintaining the document library, ensuring that all documents received are distributed, and acting as the channel of communication between ourselves, the Authority and those taking part in the examination. He is the first point of contact for those with queries about the process.

The Programme Officer's contact details are:

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2.0 The scope and purpose of the examination

- 2.1 The purpose of the examination of the Local Plan is to determine whether it satisfies legal requirements under the 2004 Act and associated regulations, whether the Authority has complied with the duty to co-operate and whether the Local Plan is sound. To be sound the Local Plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Authority has submitted what it considers to be a sound plan.
- 2.2 The Authority produced a schedule of proposed minor modifications (CD07). In most cases these are genuinely minor changes providing clarification, updates and addressing typographical errors and they can be considered to be part of the submitted plan. However in some cases we consider that they would amend the meaning or implementation of policies. On this basis we do not consider that MIN-06, MIN-12, MIN-13, MIN-19, MIN-25, MIN-28 to MIN-30, MIN-32, MIN-36 to MIN-40 and MIN-42 are minor modifications. The starting point for the

examination is therefore the submitted Local Plan of May 2018 (which is the same as the Submission Draft of January 2018 incorporating the schedule of minor modifications but excluding those specifically referred to above).

- 2.3 We will take account of these other suggested modifications (non-minor) along with any further suggestions the Authority and interested parties put forward during the examination in order to address matters of soundness or legal compliance.
- 2.4 The Authority would be able to make “additional modifications” to the Local Plan prior to adoption, provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Authority, we will not be considering such additional modifications during the examination and they will not form part of our report.
- 2.5 We will consider all of the representations made on the Submission Draft Local Plan insofar as they relate to legal requirements or matters of soundness. We are not required to report on every point made however. In some cases, the issues we have identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the Submission Draft Local Plan (an objection) has a right to make their case in person at the hearing sessions, if they have indicated their wish to do so. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.
- 2.6 Those who have made representations supporting the Local Plan do not have a right to participate at the hearing sessions. The Authority has submitted the Local Plan for examination and we expect it to be able to set out and justify its own position. We do not consider it necessary for those who support the Local Plan to participate in hearing sessions.
- 2.7 The examination will close when our report is submitted to the Authority. The potential outcomes of the examination are that:
 - a) We consider that the Authority has complied with the duty to co-operate, the Local Plan satisfies legal requirements and it is sound – We would recommend that the Local Plan is adopted and give reasons for this.
 - b) We consider that the Authority has not complied with one or more of the above requirements – We would recommend that the Local Plan is not adopted and give reasons for this.
 - c) We consider that the Authority has complied with the duty to co-operate but that the Local Plan does not satisfy legal requirements and/or is not sound and the Authority has asked us to recommend modifications to address matters of legal compliance and/or soundness – We would make such recommendations.
- 2.8 It is important to stress that we would not be able to rectify non-compliance with the duty to co-operate. In addition we can only make recommendations to modify the Local Plan to address matters of legal compliance and/or soundness if asked to do so by the Authority.

2.9 Any modifications that we recommend would be limited to those required to address matters of legal compliance or soundness. These would be known as “main modifications”. The main modifications would be subject to public consultation and sustainability appraisal prior to our report being finalised.

3.0 The hearing sessions

3.1 We have identified a number of matters which we consider need to be explored during the examination. These are set out in the Matters and Issues Paper circulated with these guidance notes. The paper sets out a number of specific questions that will need to be addressed. The hearing sessions will allow us to explore these Matters and Issues further with the Authority and other participants, taking into account relevant representations made and any additional statements which we request. We will lead a discussion around a table asking questions of the Authority and allowing other participants to contribute as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. The hearing sessions will be open to the public to observe but only those invited participants will be able to speak. An agenda for each hearing session will be circulated to participants in advance.

3.2 The hearing sessions for the examination of the Local Plan will commence at **9.30am on Tuesday 6 November 2018**. They will be held in:

**The Council Chamber
Lymington Town Hall
Avenue Road
Lymington
Hampshire
SO41 9ZG**

3.3 The morning sessions will start at 9.30am each day. Afternoon sessions will start at 2.00pm. There will be a break for lunch and short breaks mid-morning and afternoon. The sessions will usually finish by approximately 5.00pm although they may continue later if necessary.

3.4 A timetable for the hearing sessions has been produced and circulated with these guidance notes. It may be that the detailed timetable will change closer to the start of the hearing sessions. Whilst the Programme Officer will endeavour to keep people informed, it is the participants' responsibility to keep in contact and ensure that they attend the appropriate sessions. The participants for each session will be those who made relevant representations on the Submission Draft Local Plan and have confirmed to the Programme Officer that they wish to speak.

3.5 All those who wish to speak at the hearing sessions should confirm this in writing with the Programme Officer by **5.00pm on Friday 27 July 2018**, stating which session or sessions they wish to speak at (referring to the Matter number and quoting the respondent ref. no.). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. The finalised timetable and list of participants will be confirmed before the hearing sessions

commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.

- 3.6 Depending on the number of requests to speak, for practical reasons it may be necessary to seek to identify representatives where common viewpoints are being expressed
- 3.7 Details of public transport services and car parking facilities can be obtained on request from the Programme Officer. The hearing venue is fully accessible. Any requests for assistance in attending the hearings should be made to the Programme Officer.

4.0 The examination library and the availability of documents

- 4.1 A library containing paper copies of all documents associated with the examination is being maintained, this is available to view subject to prior appointment. The library will be updated to include any additional documents produced during the course of the examination. An up to date list of documents with their reference numbers is available from the Programme Officer. All documents are available via the Local Plan Examination pages of the Authority's website and this will be kept up to date.

5.0 The submission of statements and further material

- 5.1 The Authority should produce an individual written statement for each of the matters identified; addressing all of the issues and specific questions set out in the Matters and Issues Paper. They should include specific references to supporting evidence where appropriate. For a number of the matters, the Authority is asked to address key points raised in representations.
- 5.2 Other participants may, if they wish, submit written statements addressing the issues and questions set out for the sessions they are attending which are relevant to their particular representations. There is no need to repeat points already made in representations however and participants may wish to rely on these earlier representations. Others who have made relevant representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Although again, there is no need to repeat points already made.
- 5.3 Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Local Plan, other examination documents or those in the public domain such as the National Planning Policy Framework (NPPF), clear cross referencing will suffice.
- 5.4 The statements should be sent to the Programme Officer. For both the Authority and other participants, the deadline for receipt of written statements is **5.00pm on Friday 7 September 2018.**
- 5.5 This is a strict deadline which must be adhered to in order for the hearings to proceed as planned. Three paper copies of the statements should be sent along

with an electronic version, if possible. It should be made clear who is submitting the statement (quoting the respondent ref. no.) and which matter it relates to. Statements should be no more than 3,000 words long, in A4 format. A flexible approach will be taken to the length of the Authority's statements where the matters relate to a large number of sites or individual policies. Separate statements should be submitted for each matter.

- 5.6 Other than the statements referred to above, no further information or documentation should be submitted to the examination unless specifically asked for. There is no scope to produce rebuttal statements and additional statements or information should not be presented at the hearing sessions.

6.0 Site visits

- 6.1 We will familiarise ourselves with the area and visit sites and key locations during the examination. It is envisaged that our visits will be on an unaccompanied basis. If there is a need to make a visit accompanied by the Authority and other interested parties, arrangements will be made via the Programme Officer.

Summary/ key points

- The Matters and Issues Paper sets out the key questions which we will be considering
- The hearing sessions will start on **Tuesday 6 November 2018 at 9.30am**
- A timetable for the hearing sessions has been published
- Participants at the hearings will be confirmed in due course
- All of those wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by **5.00pm on Friday 20 July 2018**
- Statements for the hearing sessions should be based on the Matters and Issues Paper and must be submitted to the Programme Officer by **5.00pm on Friday 7 September 2018**
- All documentation relevant to the examination is available on the Authority's website
- Any queries should be directed to the Programme Officer – Chris Banks

Kevin Ward

Caroline Mulloy

INSPECTORS