

# INDEPENDENT EXAMINATION OF THE BRENTWOOD LOCAL PLAN

## EXAMINATION GUIDANCE NOTE

Updated on 30 October 2020

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### Purpose of this note

1. This note provides guidance to participants on the procedural and administrative arrangements for the hearing sessions as part of the Examination of the Brentwood Local Plan. References in square brackets [ ] refer to Examination documents which can be found in the Examination Document Library on the Brentwood Local Plan Examination webpages <http://www.brentwood.gov.uk/index.php?cid=694>.

### Dates of the hearing sessions

2. The Examination hearing sessions will commence at **0930** on **Tuesday 1 December 2020**. They will be held virtually using Microsoft Teams hosted by the Council.
3. Two documents are available with this note:

***A draft hearing timetable for the examination hearing sessions*** which sets out the matters to be discussed on each day.

***Inspectors' Matters, Issues and Questions (MIQs) for hearing sessions weeks 2 and 3 (week 1 was issued earlier)*** which will form the basis for the discussions.

### Programme Officer

4. Annette Feeney is the Programme Officer and is responsible for the administration of the Examination. She is working under our direction, is impartial and is independent of the Council. The role of the Programme Officer is to provide an effective channel of communication between all parties and ourselves, liaise with parties to ensure the smooth running of the Examination, to ensure that all Examination documents received are appropriately managed and added to the Examination Document Library on

the Examination webpages and to act as the main point of contact for all procedural and administrative matters.

5. All programming queries, practical and procedural points should be addressed to the Programme Officer. The Programme Officer's contact details are as above.
6. Copies of all Examination documents are available to view on the Examination website. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be made for viewing documents.

### **Scope of the Examination and the Inspectors' role**

#### Inspectors' role

7. Our role is to assess whether the Plan has been prepared in accordance with legal and procedural requirements and assess whether it is sound. The purpose of the hearings is to focus on the main issues for discussion, to enable us to obtain the information we need so that we can make necessary conclusions on the Plan.
8. The National Planning Policy Framework, February 2019, (the Framework) states that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
9. 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 making changes (main modifications), if necessary following additional work; or,
  - the submitted Plan is not sound and could not be made sound by any changes.
10. Following the close of the Hearing we will prepare a report to the Council with our conclusions. The Council has formally requested that we recommend any main modifications necessary to make the Plan sound.

#### Omission sites

11. Our starting point for the Examination is that the Council has submitted a Plan which they consider is sound and legally compliant. We will therefore be considering whether the policies and site allocations within the Plan comply with the requirements.
12. We will not be considering the merits of any alternative or omission sites. If during the Examination there appears to be a need for additional development sites to be allocated, it will be a matter for us to raise this with the Council to decide what it would propose in order to meet such a need.
13. Those seeking changes need to demonstrate why the submitted Plan is not sound, rather than highlight an alternative or omission site.

#### Changes to the Plan

14. There are two ways by which changes can be made to the Plan:

- (a) *Main modifications* which are recommended by the Inspectors; and
- (b) *Additional modifications* which can be made by the Council on adoption.

15. *Main modifications* are changes which alone or in combination with others, would materially alter the Plan or policies and must be subject to consultation. We can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.
16. *Additional modifications* are those changes which do not materially affect the policies in the Plan. The Council is accountable for these changes and they do not fall within the scope of the Examination.

#### Changes proposed by the Council

17. The Council has published an Addendum of Focussed Changes to the Pre-Submission Local Plan [A2]. In response to our initial questions, the Council has also prepared document F9A which sets out some suggested main modifications. As part of the Examination it will be necessary for us to consider whether these changes are necessary for reasons of legal compliance or soundness. Suggested additional modifications are proposed in F9B.

### **The hearing sessions**

18. The hearing sessions for the Examination will be held virtually using Microsoft Teams and are being hosted by the Council. A separate note about the virtual hearing sessions explaining how representors will participate and how others can observe the events will be issued shortly. The aim is to make the virtual hearing sessions as similar as possible to physical hearing sessions in the way they are run.
19. The hearing sessions will normally run between 0930 and 1100, 1130 and 1300, 1400 and 1530 and 1600 and 1700, unless stated otherwise during the hearing sessions.
20. The hearings will be in the form of structured round table discussions which we shall lead. There will be no formal presentation of evidence or cross-Examination. Barristers and solicitors, if present, will be treated as part of the respective organisation or team.
21. The discussion will focus on the issues in the programme together with any additional points or supplementary questions we wish to ask arising from any further written statements.
22. The programme is currently in draft form and may be subject to change. The final version will be issued before the hearings and this version will include a list of participants invited to attend each session.

### **Progressing your representations on the Plan**

#### Participation at the hearing sessions

23. Only those who have made representations within the prescribed time periods and seek changes to the Plan, have a right to be invited to and

participate in relevant hearing sessions. However the virtual sessions will be made available for anyone to watch including those supporting the Plan. Details on this will be issued shortly.

24. If you wish to participate at the hearings, and your representations are relevant to our **Week 1 matters, issues and questions (MIQs)**, please contact the Programme Officer as soon as possible and by **midday on Tuesday 3 November 2020** at the latest, to confirm this. **For Week 2 and Week 3 matters, issues and questions (MIQs), please contact the Programme Officer by midday on Tuesday 15<sup>th</sup> December.** Please clarify which matters and issues are relevant to your representations and on which questions you wish to speak. Any party who does not confirm their wish to appear on or before that date may not be included in the programme, so please respond promptly.
25. Where several people or organisations wish to speak on the same issue and/or wish to make the same point, you should consider appointing a single spokesperson or persons, as we will not be allowing points to be repeated during the hearing sessions. This will ensure that effective use is made of available time in the sessions. The Programme Officer will assist you with such arrangements.
26. A final version of the Hearing Programme will be published on the Examination website around two weeks before the start of the Hearing. It will be for individual participants to check progress on this, either on the website or with the Programme Officer, and to ensure that they attend the right sessions and at the right time.
27. If any Representor is unsure as to which session their representations relate to, please contact the Programme Officer to discuss.
28. Please note that we will give equal regard to views put at the hearing sessions and those set out in writing. Participating in a hearing session will only be useful and helpful to us if you can engage in a debate and focus on our MIQs.

#### Further written statements

29. Our list of MIQs will form the basis for discussion at the hearing sessions. As participants should have already set out their full cases within their existing representations there should ordinarily be no need to produce further written statements in response to the MIQs. Representors may therefore choose to rely on their original response.
30. However if participants do wish to produce further written hearing statements to supplement their original representations, they should be limited to the issues and questions set out in the MIQs and be relevant to their original representation. Statements must not repeat what is in previous representations as these will be taken into account.
31. As the Examination documents are available on the internet, participants should not attach extracts to any statements. However it would be useful within any statements when referring to any of these documents, to include the Examination document number and page numbers where possible.

32. To assist the conduct of the hearings, any additional statements produced by participants must accord with the following:
- Only respond to the specific questions in the MIQs which are of relevance to the original representation;
  - Respond to each relevant main issue (identified on the MIQs) in separate statements;
  - Identify whether any of the suggested modifications in Council documents A2, F9A and F9B would resolve concerns and make the Plan sound or legally compliant;
  - Indicate whether any other changes are necessary to make the Plan sound or legally compliant and clearly set out the precise wording or changes required;
  - Be succinct, to the point and no longer than 3000 words for each main issue. It is the quality of the reasoning that carries weight, not the scale of the documents;
  - Should not include appendices – all pertinent points must be set out within the main statement; and
  - Along with the electronic version, two paper copies should be provided, stapled, not bound, with any A3 tables/plans/diagrams folded to A4.
33. Please note that any statements that are of excessive length and/or contain irrelevant or repetitious material may be returned.
34. In preparing statements participants should also refer to our initial questions to the Council [F1 and F4] and the Council's subsequent responses [F3A-F3K, F5A-F5K, F6A, F6B, F7A, F7B, F8 and relevant supporting evidence]. All these documents are available on the Examination webpages.
35. Unlike other participants, the Council is required to respond to each question and therefore the 3,000 word limit does not apply to them. However any statements should still be as succinct as possible. There is no need for the Council to repeat answers to similar questions asked as part of our initial questions, a cross reference to relevant documents will suffice. In answering other questions, references to existing evidence should be used wherever possible to avoid repetition.
36. Electronic versions of statements and the two paper copies for the **Week 1** hearing sessions, including those from the Council, should be sent to the Programme Officer to arrive **no later than 1700 on Monday 16 November 2020**. For **Week 2 and Week 3** the **no later than 1700 on Tuesday 15<sup>th</sup> December**. Late statements may not be accepted.

### **Statements of common ground**

37. The Council has submitted several statements of common ground that have been agreed with some representors to assist the Examination process. These and any other statements of common ground should be submitted to the Programme Officer as soon as possible but to arrive **no later than one week before the relevant hearing session**. As above these should include an electronic version and two paper copies.

## Site visits

38. Insofar as we consider it necessary for our consideration of the soundness of the Plan we shall visit relevant sites and areas before, during or after the hearing sessions. We will do these unaccompanied by any parties to the Examination, unless access to private land is necessary.

## Close of the Examination

39. Following the hearing sessions the Examination will remain open until our report is submitted to the Council. However we will not accept any further representations or evidence from any party during this time, unless we have specifically requested it.

## Further information

40. Further information about the preparation and Examination of Local Plans can be found using the following links:
- The *National Planning Policy Framework* February 2019 available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)
  - The national *Planning Practice Guidance* available at <https://www.gov.uk/government/collections/planning-practice-guidance>, and
  - The Planning Inspectorate's *Examining Local Plans Documents: Procedural Practice – June 2019 (5th edition v.1)* available at: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

*Yvonne Wright and Mike Worden*

INSPECTORS

30 October 2020