

Examination of the Dover Local Plan

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Inspectors appointed by the Secretary of State

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Examination Guidance Note

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Introduction

1. This Guidance Note provides further information on the procedural and administrative arrangements for the examination of the Dover District Local Plan. The Plan was submitted for examination on 31 March 2023 by Dover District Council.
2. All participants should familiarise themselves with the contents of this Guidance Note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions.
3. Further information about the preparation and examination of Local Plans can be found in the Planning Inspectorate's Procedure Guide¹.

The Role of the Planning Inspectors

4. The Local Plan is being examined by **Matthew Birkinshaw** BA (Hons) Msc MRTPI and **Clive Coyne** BA (Hons) Dip TP MRTPI.
5. The Inspectors have been appointed by the Secretary of State. Their role is to examine whether the Local Plan has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, and, whether or not it meets the tests of 'soundness' set out in the National Planning Policy Framework ('the Framework').
6. At all times the Inspectors will aim to work with the Council and everyone else involved in the examination in a positive and pragmatic manner.

The Role of the Programme Officer

7. The appointed Programme Officer is Louise St John Howe. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing the examination materials, maintaining the examination library and organising the hearing sessions. Communication between the Inspectors and representors is also handled by the Programme Officer, who is contacted at:

Ms Louise St John Howe, PO Box 10965, Sudbury, Suffolk, CO10 3BF

Telephone: 07789 486419

Email: louise@poservices.co.uk

¹ <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>

8. The Programme Officer is also responsible for making sure that the information regarding the examination and all relevant documents are made available on the examination website:

<https://www.doverdistrictlocalplan.co.uk/examination-home/dover-district-local-plan-examination>

9. Should any representors not have access to the internet, please contact the Programme Officer so that alternative arrangements can be made.

The Examination

10. The Framework requires that Local Plans are prepared in accordance with the Duty to Cooperate, meet legal and procedural requirements and are 'sound'. As part of this process, the Inspectors will need to determine whether or not:

- The Council has complied with the Duty to Cooperate under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).
- The Local Plan has been subject to an adequate Sustainability Appraisal.
- The Local Plan has been prepared in accordance with the Local Development Scheme and Statement of Community Involvement.
- The requirements of the Conservation of Habitats and Species Regulations 2017 have been complied with, having regard to relevant national policy and guidance, and if an Appropriate Assessment has been carried out where necessary.
- Relevant publicity and procedural requirements have been met.

11. In terms of 'soundness', the Framework states that Plans are 'sound' if they are:

- Positively prepared: providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

- Effective: deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
- Consistent with national policy: enabling the delivery of sustainable development in accordance with the policies in the Framework.

Changes to the Plan

12. The starting point is that the Council should have submitted a plan which it considers is ready for examination . At this stage, there are only two means by which changes can be made to the Local Plan. They are:
 - 'Main Modifications' recommended by the Inspectors; and
 - 'Additional Modifications' made by the Council upon plan adoption.
13. Main Modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Only the appointed Inspectors can recommend Main Modifications if they are necessary to resolve problems that would otherwise make the Plan unsound, or not legally compliant. Any potential Main Modifications must be subject to public consultation and in some cases, further sustainability appraisal may be required.
14. Additional Modifications are changes that do not materially affect the Plan (such as typographical errors, factual changes etc.) They are made by the Council upon adoption of the Plan and are sometimes referred to as 'Minor Modifications'. The Inspectors are not accountable for such changes and they do not form part of the examination.
15. Submission Document SD06 includes a list of Additional Modifications highlighted by the Council. Submission Document ED12b also sets out some suggested Main Modifications which the Council considers are necessary for soundness. These changes will be discussed, where appropriate, at the relevant hearing session.

Hearing Sessions

16. As part of the examination of the Plan the Inspectors will hold hearing sessions to discuss the main issues and any modifications which may be necessary.
17. **Only those people seeking to change the Plan, and have duly made representations, have a right to participate in the hearing sessions.**

18. It is also important to stress that written representations carry the same weight as those made orally at a hearing session. Thus, participation at the hearings is only necessary if, in light of the matters raised, you have specific points that you wish to contribute orally at the hearing. The sessions will be streamed online for people to observe. Relevant links to each session will be made available from the examination website prior to the hearings starting.

Hearing Session Format and Location

19. The hearing sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspectors. Hearings are designed to allow the Inspectors to explore the main issues. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
20. The majority of hearing sessions will take place at the **Council Offices, White Cliffs Business Park, Whitfield, Dover, CT16 3PJ**. However, hearing sessions in Week 4 will take place virtually using Microsoft Teams. The time, venue and format of each session is specified in the **Examination Hearing Programme**.
21. Should participants have any queries or need to make alternative arrangements in order to attend a relevant session(s), they should contact the Programme Officer in the first instance. Specific guidance relating to the virtual hearing sessions, including links for joining the sessions will be published in due course once the Programme has been finalised.

Attending a Hearing Session

22. The Examination Hearing Programme sets out which topics will be discussed on each day. **If you wish to be heard at the hearings, you must confirm this in writing with the Programme Officer no later than Wednesday 20 September 2023, even if you indicated in your original Regulation 19 representation that you wished to participate.** If the Programme Officer does not receive written confirmation, it will be assumed that you do not wish to participate and that you will be relying on written submissions. You should only request to attend a session if you have made a representation seeking a change to the Plan relating to that topic.
23. The **Matters, Issues and Questions** document will form the basis of the discussions at the hearing sessions and has been published alongside this Guidance Note. Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they have been allocated to the correct session, contacting the Programme Officer if unsure.

24. If there is a Matter that has been raised by the Inspectors, and one where several individuals (such as a group of local residents) wish to speak and make the same point, representors should consider whether they wish to nominate a single person to speak on their behalf. If participants are unsure, please contact the Programme Officer who will be able to help.
25. A final version of the Examination Hearing Programme will be published on the examination website before the start of each week of hearing sessions and confirm which representors are scheduled to attend each session. It will be for participants to check the progress of the hearings and to ensure that they are present at the right time.

Hearing Statements

26. Ahead of the hearings, the Council should produce Hearing Statements which respond directly to all the points raised in the Matters, Issues and Questions.
27. Any representors who have made comments seeking a change to the Plan and who are invited to the hearing sessions may also submit Hearing Statements. This, however, is optional and is not a requirement of the hearings.
28. Statements should be concise and focused, and appendices should only be included where directly relevant and necessary. There is no need to re-submit previous consultation responses as part of Hearing Statements. These will be returned by the Programme Officer.
29. Statements should only answer the specific Questions which are directly relevant to the original representation and should clearly identify the relevant topic to which they relate. Statements should be provided for each Matter separately.
30. All hearing statements must be submitted on time and received electronically by **5pm on Wednesday 18 October 2023**.
31. Representors not participating at the hearing sessions may also submit an additional Written Statement as required. However, this is not an opportunity to introduce further arguments, and the format and length of Written Statements is the same as for Hearing Statements. No other written evidence can be submitted unless specifically requested by the Inspectors.

Statements of Common Ground

32. Statements of Common Ground between participants are encouraged where they assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the issues in dispute.
33. Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground, please make the Programme Officer aware.

Site Visits

34. Prior to, and during the course of the examination, the Inspectors will make site visits to the Plan area where necessary. Site visits will be carried out on an unaccompanied basis unless it is necessary to enter private land. In such circumstances, the Programme Officer will make the necessary arrangements with the relevant parties.

Consideration of Alternative Sites not in the Submission Local Plan

35. Part of the Inspectors' task is to examine the soundness of the sites allocated for development in the submitted Plan. Those who have submitted representations to the effect that a site allocation or designation policy is unsound will be able to put their views forward at a relevant hearing session if they have made a request to do so. The Council will have the opportunity to respond.
36. Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to as 'omission sites'. Representors should note that it is not part of the Inspectors role to examine the soundness of omission sites, and, subject to the legal right to be heard (see paragraphs above), such sites will not normally be discussed at the hearings.
37. Should the situation arise where additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), the Inspectors will look to the Council in the first instance to decide which alternatives should be brought forward for examination.

Closing the Examination and the Inspectors' Report

38. Following the hearing sessions, the relevant findings will be set out in the Inspectors' Report, or in some cases, through Interim Findings. The Report will be sent to the Council at the end of the examination and will set out the conclusions, and where necessary, any Main Modifications to make the Plan sound and/or legally compliant.

39. The examination will remain open until the Report has been submitted to the Council. During this time no further written submissions or evidence will be taken into account unless specifically requested.

Summary and Examination Programme

40. Based on the above, the examination timetable and relevant dates are as follows:

- **Wednesday 30 August 2023** – formal notification of the time, date and location of the hearing sessions.
- **Wednesday 20 September 2023** - deadline for confirming with the Programme Officer if you wish to attend the hearings.
- **Wednesday 18 October 2023** - Hearing Statement deadline for all sessions.
- **Tuesday 14 November 2023** - Hearing Week 1.
- **Tuesday 21 November 2023** - Hearing Week 2.
- **Tuesday 5 December 2023** - Hearing Week 3.
- **Tuesday 12 December 2023** - Hearing Week 4 (Virtual).