

Calderdale Local Plan

EXAMINATION GUIDANCE NOTE

27 May 2020

Inspector – Ms Katie Child BSc. (Hons) MA MRTPI

Programme Officer – Miny Schofield, Local Plan Programme Officer, Town Hall,
Crossley Street, Halifax HX1 1UJ.

Tel. 07799 724690 Email: miny.schofield@calderdale.gov.uk

Purpose of the Guidance Note

1. Calderdale Council has produced a draft Local Plan which sets out a strategy for development and growth. The Plan has been submitted to the Secretary of State for Housing, Communities and Local Government for examination.
2. This note provides guidance to participants on the procedural and administrative arrangements for the examination. It provides an update to version 1.

The Inspector's role in the examination

3. The Planning Inspector, Ms Katie Child B.Sc.(Hons) MA MRTPI, has been appointed by the Secretary of State to examine the soundness of the Calderdale Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations.
4. The Plan was submitted under transitional arrangements¹ which indicate that policies in the National Planning Policy Framework (NPPF) 2012 will apply. The NPPF 2012 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*²), 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 the Inspector will prepare a report to Calderdale Council, setting out her conclusions. The report will deal with broad issues rather than specifically with each individual representation.

The Programme Officer

7. The Programme Officer for the examination is Miny Schofield. Her role is to act as a channel of communication between all parties and the Inspector, and to deal with practical and procedural matters relating to the Examination. Her contact details are set out above.

¹ As set out in paragraph 214 in the revised NPPF 2019.

² For further information on the modifications process, see page 3 below.

Hearing dates

8. Stage 1 hearing sessions were held in June 2019. The sessions focused on overall strategy, and housing and employment need and supply.
9. The Stage 2 hearings will look at the Plan's strategy for growth and infrastructure, specific development sites, and detailed development management policies. It will focus on the submitted Local Plan – but changes proposed by the Council in January 2020 may also be referred to. The Council's 'Housing Requirement Update and Potential Supply' paper (CC39) was published for consultation between 10th January and 24th February 2020.
10. **The Stage 2 hearings are provisionally scheduled to commence in mid-September 2020. Due to the current Covid-19 crisis the exact timing and format of the sessions has not yet been determined.** It is not yet clear when face to face hearings will be allowed to resume. The Council and the Inspector are looking at options for progressing the examination, including holding hearings via video conference (such as MS teams, Zoom etc) and teleconferencing (dialling in via phone). It will be important to ensure that whatever methods are used are fair and ensure interested parties can be involved.
11. The Council's website will be updated with further details of the Stage 2 hearings in due course. Please make sure you check the website regularly.
12. The Planning Inspector has published guidance for Local Plan examinations relating to Covid-19, and the Government published a Written Ministerial Statement on virtual hearings on 13th May 2020. The documents can be viewed via these links:
<https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-05-13/HCBS235/>

Inspector's Pre-Hearing Questions

13. In the meantime, the Inspector has issued Pre-Hearing Questions relating to Stage 2 of the examination. These can be viewed on the Council's examination webpage at: <https://www.calderdale.gov.uk/v2/residents/environment-planning-and-building/planning/planning-policy/local-plan>
14. In order to ensure the hearing events are focused, representors are invited to respond to the Pre-Hearing Questions. **Written statements should be submitted to the Programme Officer by Monday 3rd August 2020 (5pm)**, via the above email address (or postal address if you do not have internet access). You may choose to respond to all or some of the questions. Alternatively, you may wish to rely on your original representations to the Plan.
15. When responding to the questions, you may wish to refer to the Council's supporting evidence (in the examination library). This includes a number of new documents, including an updated Housing Technical Paper (March 2020) (CC40).
16. If you are potentially interested in participating in a Stage 2 hearing session, you are requested to contact the Programme Officer via email/writing by **Monday 20th July 2020**. 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. You are also requested to indicate:

- Which matter/question number you may wish to speak on;
- Whether you have any fundamental problems in potentially participating via video conferencing (such as MS teams or Zoom), or dialling in via phone; and
- Whether you have any other specific needs in relation to participation/attendance at the hearing sessions.

17. Please note that the Inspector will take account of all written responses received, and involvement in the hearing events are not essential. The events will be open for everyone to observe (either live or in an online format).
18. Responses to the Inspector's Pre-Hearing Questions 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 the Inspector specifically requests it. The hearing sessions should not be used to introduce new evidence or arguments.

Site visits and close of the examination

20. The Inspector will undertake visit sites before, during, or after the hearings where necessary to the assessment of the soundness of the Plan. The visits will be unaccompanied, 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 Inspector. 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, the Inspector can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. Recommendations simply to 'improve' a policy or proposal cannot be made, 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.calderdale.gov.uk/v2/residents/environment-planning-and-building/planning/planning-policy/local-plan/examination-library#evidence>
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 2016 (4th Ed. v.1)* <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>