

Worthing Local Plan 2020 – 2026 Examination

Inspector’s Examination Guidance Note – Version 1 (20 September 2021)

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Examination Website: <http://www.adur-worthing.gov.uk/worthing-local-plan/submission-examination/>

Note

This guidance should be kept for reference throughout the Examination. It should be read in conjunction with **Procedural Practice in the Examination of Local Plans** - available at <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice> and with the attached **Matters, Issues and Questions for the Examination** (MIQs) [IL05] and the **Draft Hearing Programme** [IL06].

Document References in [square brackets] are to the **Examination Library List** which can be viewed on the Examination webpage or obtained from the Programme Officer.

Key Dates

Advise Programme Officer of Participation:	Tuesday 28 September 2021
Submission of Hearing Position Statements (optional):	Tuesday 19 October 2021
Opening of Hearing Sessions:	Tuesday 2 November 2021

Introduction

1. I am Steven Lee, the Inspector appointed by the Secretary of State to examine the soundness of the Worthing Local Plan (WLP). I shall be examining the Submission version of the WLP published in January 2021 [CD/H/1].

The Inspector's Role in the Examination

2. I have been appointed by the Secretary of State to examine the 'soundness' of the WLP and whether it meets the requirements of the Planning and Compulsory Purchase Act and associated Regulations.
3. The National Planning Policy Framework (the NPPF), July 2021 (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
4. 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*), if necessary following additional work; or,
 - the submitted Plan is not sound and could not be made so by changes.
5. Following the close of the Hearings I will prepare a Report to the Council with my conclusions. The Council has formally requested that I recommend any Main Modifications necessary to make the Plan sound¹.
6. I will deal with broad issues in my Report rather than specifically with each individual representation.

Changes to the Plan

7. The starting point is that the Council has submitted a Local Plan which it considers is legally compliant, sound and ready for Examination. At this stage there are only two means by which changes can be made to the submitted Plan:
 - Main Modifications recommended by the Inspectors; and,
 - Additional Modifications made by the Council on adoption.
8. However, I can only recommend Main Modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant². 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.

¹ Council's Response to IL01 [WBC-E-02]

² Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

9. Additional Modifications are those changes which do not materially affect the policies in the Plan³. They are made by the Council on adoption 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.

Modifications Proposed by the Council

10. The Council has proposed a number of changes to the Plan in its Schedule of Proposed Change (Modifications) document [CD/H/6]. Amendments have been made to this as a result of the Council's response to my Initial Letter [WBC-E-02]. These will be considered during the Hearings, but as noted above I would only be able to recommend Main Modifications if they are necessary to make the Plan sound.
11. It is possible that further changes may be proposed during the Hearing sessions and I have asked the Council to keep an up-to-date schedule of all Main Modifications suggested during the Examination. Document CD/H/6 will be a 'live' document that will be updated as and when necessary by the Council.

Scope for Modification – Alternative or 'Omission' Sites

12. It is not for the Inspector to seek to improve the Plan or make it 'more sound'. I will make recommendations for Main Modifications only where necessary to ensure soundness or legal compliance.
13. There will accordingly be no oral sessions on 'omission sites'. It is not for the Inspector to recommend specific alternative sites. In the event that the Plan were to be found unsound with the sites it allocates, the Council would be asked to consider and propose additional or alternative sites as Main Modifications to the Plan for further consideration and consultation.
14. Nevertheless, Representors promoting sites not allocated in the Plan have a right to be heard in support of a duly made objection. An objection to the 'omission' of a site is, in effect, an objection to the site selection process, or the Plan requirement, or the deliverability of development land or the Plan strategy and will be redirected and heard as such in the appropriate Hearing sessions.

The Programme Officer

15. The Programme Officer (the PO) for the Examination is Chris Banks. Chris is working under my direction and is independent of the Council. He can be contacted as follows:

³ S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

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16. The main tasks of the PO are to organise the administration of the Examination, to act as a channel of communication between all parties and myself, to liaise with the parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed and to run the Examination Library. The PO is the first point of contact for those with queries about the process and participation in the Hearings.
17. Copies of Examination documents can be found on the Examination website <https://www.adur-worthing.gov.uk/media/Media,160646,smxx.pdf>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
18. Any procedural questions or other matters that you wish to raise with me prior to the Hearing sessions should be made through the PO.

Progressing your Representations on the Plan

19. The Planning Inspectorate has determined that from the 13 September 2021, a return to in-person events will be acceptable where possible. It is therefore intended that the Hearings will be held predominantly in-person at:

Field Place Manor House & Barns
The Boulevard
Worthing
West Sussex
BN13 1NP

20. If participants are unable to attend in-person, please inform the PO as soon as possible to discuss alternative arrangements (though no later than the 28 September deadline). If necessary, I shall issue further guidance on this in due course.
21. Similarly, if the Government issues new guidance or restrictions in relation to COVID-19 then I shall issue new guidance and hearing programme as soon as practicable to do so.

22. The **Inspector's Matters, Issues and Questions (MIQs)** accompanying this note will form the basis for the discussion at the Hearing sessions. If you have any comments on this list (for example, because you feel there may be a significant omission), you should contact the PO as soon as possible, but by no later than **1700hrs on Tuesday 28 September 2021**. I shall have regard to any comments received and issue revised MIQs if necessary.
23. The **Draft Hearing Programme** includes a draft list of issues for discussion at each Hearing session. All representations will be taken into account, whether or not you participate at the Hearing. In order that the timetable can be finalised, those Representors wishing to take part in the Hearing should contact the PO by **1700hrs on Tuesday 28 September 2021** stating your intention to appear and on which Matter(s) and Issue(s) you wish to speak.
24. Only those seeking to change the plan have a right to participate in the Hearing sessions⁴. It is however open to Representors to rely on their original written representations, which carry the same weight as views put forward at a Hearing. Attendance at a Hearing session will only be useful and helpful to me if you wish to participate in the discussion.
25. For those who do not have a right to be heard, there will be an opportunity to observe the sessions at the venue.
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 the progress of the Hearing, either on the website or with the PO, and to ensure that they are present at the correct time. I shall issue an Agenda to structure the discussion at each Hearing session, normally shortly before the date that the Hearing session is due to take place.
27. Where Representors have raised a matter of soundness not identified by the MIQs but still wish to appear, a suitable item can be added to an appropriate Hearing session. If any Representor considers that an additional item is required, this should be raised with the PO at the earliest opportunity.

The Hearing Sessions

28. The Hearing sessions will begin at **0930hrs on Tuesday 2 November 2021** and will normally run between 0930 and 1300, and 1400 and 1730 each day. There will be at least one break in each session.

⁴ S20(6) of the PCPA 2004

29. Only one participant is allowed per Representor. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. The PO will assist in such arrangements.
30. In view of their particular position in covering the whole Plan, two Council representatives may take part in a Hearing session, depending on the subject under discussion.
31. Representors are requested to keep in touch with the PO and/or the Examination webpage regarding the programme, which may be subject to change.

Hearing Position Statements

32. Ahead of the hearings, the Council should produce a Hearing Statement which responds directly to all the points raised in the MIQs. However, there is no need to repeat any answers provided in response to the Inspector's Initial Questions [IL01] or repeat any evidence already provided. A cross reference to relevant parts the Council's response or other documents will be sufficient.
33. Any representors who have made comments seeking a change to the Plan and who are invited to the hearing sessions may also submit Hearing Position Statements in response to the *MIQs* as required. This, however, is optional and is not a requirement of the hearings. Representors may choose to rely entirely upon their original response.
34. Statements should be concise and focused. They should not exceed a **maximum of 3,000 words** per Matter and appendices should only be included where directly relevant and necessary. All parties should adhere to this word limit and the following instructions.
35. The submission of a Hearing Position Statement must not be taken as an opportunity to submit new responses. Reliance must be placed essentially on the original response to the Publication Draft of the Plan, which is taken as the complete case for the Representor. Statements should:
 - only answer the specific questions in the *MIQs* which are of relevance to the original representation;
 - clearly identify the number(s) of the question(s) being answered;
 - state whether any of the Council's suggested Main Modifications [CD/H/6] would resolve the concerns and make the Plan sound;
 - indicate whether any other changes are needed to make the Plan sound or legally compliant (providing detailed suggested wording

for the change and if appropriate, any changes sought to the Policies Map).

- be provided for each Matter separately and not be provided as a single document.
 - bear the name of the Representor and the Hearing session to which they relate and able to be printed on A4 paper if necessary (however, consideration should be given to ensuring any personal information that would need to be redacted prior to publication on the examination website is not included unnecessarily).
36. Cross referencing to the relevant representations or parts of relevant documents is preferable to repeating information/evidence that is already available in the Examination Library. Statements should be as concise as possible.
 37. Where several people or organisations wish to speak on the same issue, Representors should consider producing a single joint paper.
 38. In preparing statements you should be aware of my Initial Letter to the Council and the Council's subsequent response available on the Examination page of the website [IL01 and WBC-E-2].
 39. All Hearing Statements must be submitted on time and received electronically no later than **1700hrs on Tuesday 19 October 2021**. Any Statements received after this deadline may be returned by the PO. Statements will be published on the examination website so that the other participants and interested parties may have access to them.
 40. However, anyone who is unable to access them on the webpage may request copies from the PO. Aside from these Hearing Position Statements no other written evidence will be accepted unless I specifically request it.
 41. The Hearing sessions should not be used to introduce new evidence or arguments.

Statements of Common Ground

42. I invite Statements of Common Ground between participants where they would assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the issues in dispute.
43. 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 PO aware.

The Examination Library

44. The Council has prepared an online Examination Library which can be found on the Examination website at www.adur-worthing.gov.uk/worthing-local-plan/submission-examination/
45. This contains the Council's evidence and documents which have been produced during the Examination. If you have difficulties accessing the Examination Library please contact the PO. It is not necessary to attach extracts of these documents to Hearing Position Statements as they are already Examination documents.

Site Visits

46. Insofar as I consider it necessary to my assessment of the soundness of the Plan, I will visit sites and areas referred to in the representations before, during or after the Hearing sessions. I shall do these on an unaccompanied basis unless I find that I need to go onto private land.

Close of the Examination

47. The Examination will remain open until my Report has been submitted to the Council. However, I will **not** accept any further representations or evidence after the Hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

S J Lee

INSPECTOR