

Lancaster City Council

Examination of the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations Development Plan Document (DPD) and the Development Management DPD

Inspector: Joanna Gilbert MA (Hons) MTP MRTPI

Programme Officer: Carole Crookes

Telephone: 07397 909822

Email: lancaster@iposolutions.online

Address: Independent Programme Officer Solutions, PO Box 789, Wakefield, WF1 9UY

Webpage: <https://www.lancaster.gov.uk/planning/planning-policy/local-plan-examination>

GUIDANCE NOTE

Purpose

1. Before a local plan can be formally adopted, it must be subject to an independent examination. The Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations Development Plan Document (DPD) and the Development Management DPD were submitted for examination on 31 March 2022 and I have been appointed by the Secretary of State to examine them. This note provides guidance on how the examination will be run.
2. More information on the examination process can be found in the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#). There is also a [short guide](#), which may be helpful, especially if you have not previously been involved in an examination.

Inspector's role and purpose of the examination

3. My task is to examine whether the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations DPD and the Development Management DPD (the Plans) are 'sound' and if they meet legal and procedural requirements. The 'tests of soundness' are set out in the government's [National Planning Policy Framework](#) at paragraph 35. Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.
4. The potential outcomes of the examination are that:
 - the submitted Plans are sound, meet the relevant legal requirements and do not need to be changed;

- the submitted Plans are not sound and/or do not meet the relevant legal requirements, but could be made to do so by changing them (these changes are known as main modifications). If necessary, this may follow the preparation of additional evidence; or
- the submitted Plans are not sound and/or do not meet the relevant legal requirements and could not be made sound by changes. If so, I would recommend that the Council withdraws the Plans.

Programme Officer

5. The Programme Officer plays a key role in organising the examination and acts as the first point of contact for everyone. They work with the Inspector and independently of the Council. The contact details for the Programme Officer are given above and any questions should be directed to them.

Examination webpage

6. This will provide information about the examination, including the hearings. It is maintained by the Programme Officer and will be updated regularly. A link is provided above.
7. If you do not have access to the internet, please contact the Programme Officer so that alternative arrangements can be put in place.

The examination process

8. A summary of the examination programme and some key sources of information are set out in the annex to this note.
9. The examination will now move through the following stages, which are outlined in more detail in the Procedure Guide:
 - preparation of statements in advance of hearing sessions;
 - hearing sessions;
 - consultation on any main modifications (changes to the Plans);
 - my final report
10. The timing and nature of the process is subject to variation depending on how the examination proceeds. For example, there may be additional stages if I conclude that more evidence needs to be prepared to help justify the Plans or to inform changes.
11. The starting point is that the Council has submitted Plans which it considers are ready for examination. The Council should rely on the evidence put together while preparing the Plans to show that they are sound. Anyone wanting to change the Plans should explain why they think the Plans are not sound and how their suggestion would make the Plans sound.

Changes to the Plans

12. Once the Plans have been submitted for examination, there are only two ways in which they can be changed:

Main modifications – these are any changes that are necessary to achieve sound Plans. During the examination I will say if I think any are needed. They would then be subject to public consultation, and I will consider any comments, before concluding on them. They may also need to be subject to sustainability appraisal.

Additional modifications – these are changes which do not materially affect the policies in the Plans. They are made by the Council when they adopt the Plans and are not a matter for the examination. They are sometimes referred to as minor modifications.

13. I will also take account of any other potential main modifications suggested by the Council or others during the examination. However, if the Plans are already sound, it is not the purpose of the examination to improve them.

Representations made on the Plans

14. The Council has prepared the Lancaster District Local Plan 2011 – 2031 Representations Statement (Regulation 22) (1) (c) (v-vi) [SD_07] and a Statement of Consultation (January 2022) [P_07], which together include details of the consultation that has taken place on the Plans, and summarise the main issues raised in the representations to both Plans.
15. A full set of the representations made on the submitted Plans has been provided to me and I will take them all into account. These are sometimes referred to as responses to the ‘Regulation 19’ consultation, after the legal regulation relating to this stage. I will not consider representations made on any earlier draft versions of the Plans (which are sometimes referred to as the Regulation 18 stage).

Matters, Issues and Questions

16. Based on my initial assessment, I have identified a number of Matters, Issues, and Questions I want to explore. Essentially, they are a series of grouped questions on specific topics, intended to give an ordered structure to the examination. They are set out in my Matters, Issues and Questions document which has been issued at the same time as this guidance note.

Hearing statements

17. The Plans submitted form the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations DPD and the Development Management DPD. The changes proposed represent a partial update to the Plans and are set out as single colour track changes in documents SD_01.1

Climate Emergency Review of the Strategic Policies & Land Allocations DPD Document Submission Local Plan 2020 – 2031 Single Track Change Version and SD_02.1 Climate Emergency Review of the Development Management DPD Submission Local Plan 2020 – 2031 Single Track Change Version. When producing hearing statements, please use the single colour track changes version of each Plan which can be found on the examination webpage.

18. The Council should produce a statement for each matter responding to all my Matters, Issues and Questions.
19. Other participants should only submit hearing statements on topics they made representations about. However, if you feel that your representation adequately answers the issues and questions I have raised, there is no need to submit a hearing statement.
20. Statements should be focussed and as short as possible, and in any event must contain no more than 3,000 words for each matter. They should:
 - clearly identify (by reference to matter and question number) which specific matters, issues and questions are being answered;
 - only answer the specific matters, issues and questions which are of direct relevance to your original representation; and
 - not introduce new evidence or arguments.
21. Appendices should only be included exceptionally if they are directly relevant and necessary and should not be used as a means of increasing the word-count.
22. As the Council must answer every question, it may be justified to go over the limit of 3,000 words per matter in some cases.
23. Please email electronic versions of your statement(s) to the Programme Officer in Word or PDF format by **1700 on Monday 5 September 2022**. If you are unable to email your statement, please contact the Programme Officer so that alternative arrangements can be made.
24. All hearing statements will be posted on the examination webpage after the submission date. They will not be circulated directly to participants. Anyone who is unable to access them on the webpage should contact the Programme Officer.
25. Once the date for submitting hearing statements has passed, no other written evidence will be accepted, unless I specifically request it. To be fair to all participants, the hearings should not be used to introduce additional evidence.

Statements of Common Ground

26. The National Planning Policy Framework (in paragraphs 24 to 27) states that local authorities should demonstrate effective and on-going joint working with

neighbouring authorities and other prescribed bodies (the 'duty to cooperate') by preparing one or more statements of common ground.

27. It is also helpful for statements of common ground to be agreed between the Council and other participants - for example, with other Councils, public bodies and those promoting the development of particular sites. This is particularly desirable where there are significant unresolved issues relating to soundness or compliance with legal requirements. Wherever possible statements of common ground should be used to resolve these problems. Failing that they should define any remaining unresolved disagreements that could affect soundness.
28. If any further statements of common ground are to be prepared then they should, wherever possible, be completed and provided to the Programme Officer by **1700 on Monday 25 July 2022**. They will be published as examination documents so that other representors are aware of their contents before submitting their hearing statements. This should not preclude the Council from continuing to engage on outstanding issues with other bodies, which may then result in an update to any existing statements of common ground, if that would help the examination.

Examination hearing sessions

29. The hearings are an important part of the examination and will start at **1000 on Tuesday 4 October 2022**. The hearings will be held virtually. Participants in the hearings will be advised in due course how they will access the hearings. The hearings programme is being issued at the same time as this guidance note and will be placed on the examination webpage.
30. Each hearing session will consider a specific topic based on my matters, issues and questions which has been issued alongside this guidance note and the hearings programme. The hearing sessions will be run as structured discussion which I will lead. There will be no formal presentation of cases or cross-examination of participants.
31. Anyone may attend a hearing as an observer, but only those who made a representation seeking to change the Plans have a right to speak and take part. The right to be heard only applies to the sessions relevant to the original representation. It is up to you whether you want to rely on the consultation response you made or if you want to take part in the hearing. However, the hearing sessions are not an opportunity to simply repeat a case already set out in written representations. All representations will be taken into account, regardless of whether they are made verbally at a hearing or in writing.
32. If you have a right to take part and wish to do so, please contact the Programme Officer by **1700 on Monday 18 July 2022** indicating which matters in the published hearing programme you wish to take part in and which are relevant to your representations. You must do this regardless of what you may have indicated in your original representations. Please note that if you do not contact the Programme Officer by that date, it will be

assumed that you do not wish to take part and you will not be listed as a participant in the hearing sessions. Participants may choose to be represented by someone else, for example a professional expert.

33. Those who made representations which did not seek changes to the Plans, including those supporting them, do not have a right to take part in the hearings. However, I may invite additional people to take part if this would help me assess the Plans.
34. Where several representors or organisations wishing to take part in the hearings have similar points, it will help me if they can arrange to be represented by one or two spokesperson(s). Please contact the Programme Officer to discuss this.
35. Please let the Programme Officer know as soon as possible if you have any specific needs or requirements to enable your participation in the hearing sessions.
36. The issues considered in examinations can be controversial, sometimes leading to strong and conflicting views. At all times during the examination, participants and observers are expected to act in a courteous, respectful and helpful manner towards each other. I will ensure that all participants are given a fair opportunity to express their views. Inappropriate material submitted during the examination will not be accepted. Threatening or aggressive behaviour of any kind will not be tolerated.

Representations proposing changes to policies outside the scope of the review and/or proposing additional site allocations

37. Some representations objecting to the Plans have proposed that additional policies require amendment and that different sites from those in the submitted Plans should be allocated for development. However, my role is to examine the soundness of the submitted Plans, not the soundness of sites that are not within them or policies which have not formed part of the scope of the Climate Emergency Review.
38. This examination is concerned with the changes proposed to the adopted Plans by the Council through the Climate Emergency Review. Consequently, I will not be asking questions about elements of the Plans which are not proposed to be changed. The elements of the adopted Plans which are not before me in this examination will therefore remain unchanged after the examination concludes.
39. It is not my intention to hold hearing sessions about policies of the existing Plans which are not proposed to be changed as part of the Climate Emergency Review. This would not represent an appropriate use of resources and would not be fair to other representors. Instead, those objecting to the Plans should focus on what they consider makes the submitted Plans unsound in respect of the changes which form part of the Climate Emergency Review.

40. Any hearing statements and/or evidence given at hearings should be with regard to the changes proposed in the submitted Plans. Any evidence on parts of the Plans not before me at this examination lies outside my remit and will not therefore result in further discussion at hearings or modifications being made to the submitted Plans. Such matters are most appropriately addressed through a full review of the Council's Plans in the future.

After the hearings

41. During the hearings I will let the Council know about any changes to the Plans (main modifications) I think may be necessary. I may also write to the Council after the hearings have ended, for example, if I am unable to reach conclusions in the hearings on the need for some main modifications.
42. The Council will then draft the main modifications and agree them with me, before making them available for public consultation. I will consider any representations about them before reaching my final conclusions.
43. I will then prepare a report for the Council setting out my conclusions and my recommendations on any main modifications that are needed. My report will deal with the main issues of soundness and any procedural and legal issues. I will consider all the points made during the course of the examination. However, I will not be reporting on every issue, question or representation.
44. Unless I specifically request them, no further representations or evidence will be accepted after the hearing sessions have finished. Late or unsolicited material may be returned.

Close of the examination

45. The examination will close when my report is submitted to the Council. The Council must then decide whether to formally adopt the Plans. However, the Plans can only be adopted if they include any changes I have recommended to make them sound.
46. The Council should publish my report as soon as they reasonably can after receiving it. Once the report has been issued, my involvement in the Plans ceases.

Joanna Gilbert

INSPECTOR

June 2022

Annex

Summary of the examination programme

Inspector's Matters, Issues and Questions, draft hearing programme and this guidance note published

1700 on Monday 18 July 2022 - Deadline to confirm with the Programme Officer whether you wish to exercise your right to appear and be heard at an examination hearing session

1700 on Monday 25 July 2022 - Deadline for submission of statements of common ground

1700 on Monday 5 September 2022 - Deadline for submission of hearing statements

1000 on Tuesday 4 October 2022 - Hearing sessions begin

Further sources of information

Further information about the preparation and examination of Local Plans is available as follows:

National planning policy and guidance

- the Government's planning policy - [National Planning Policy Framework](#)
- the Government's [Planning Practice Guidance](#)
- the Government's planning practice guidance specifically on local plans - [Plan-making](#)

The Local Plan examination process and the role the Planning Inspectorate plays in that - [local plans and the examination process](#). This page includes:

- the Procedure Guide for Local Plan Examinations
- a short guide to taking part in local plan examinations

Relevant legislation – is available at <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)