

North Norfolk Local Plan Examination

Examination Guidance Note

Issued on Friday 3 November 2023

1.0 INTRODUCTION

1.1 This note has been prepared by Planning Inspector David Reed BSc DipTP DMS MRTPI who has been appointed by the Secretary of State for Levelling Up, Housing and Communities to carry out an independent examination of the North Norfolk Local Plan (NNLP). The note provides guidance to representors who wish to be involved in the examination process.

2.0 PROGRAMME OFFICER

2.1 The Programme Officer for the examination is Annette Feeney, who works independently of the Council under my direction. Annette is responsible for organising the administration of the examination and acting as a channel of communication between myself, the Council and interested parties to ensure its smooth running. Annette is also responsible for ensuring that documents are circulated to the parties as required and liaising with the Council to ensure the online document library and examination section on their website is up to date.

2.2 Any procedural or other matters that you wish to raise during the examination should be raised through Annette whose contact details are as follows:

Mrs Annette Feeney
Local Plan Programme Officer
North Norfolk District Council
Cromer
NR27 9EN
Mobile: 07775 771026
Email: annette.feeney@north-norfolk.gov.uk

3.0 THE SCOPE AND PURPOSE OF THE EXAMINATION

3.1 The purpose of the examination of the NNLP is to determine whether it satisfies the legal requirements under the 2004 Act and associated regulations, whether the Council has complied with the duty to co-operate and whether the plan is sound. To be sound the NNLP must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted a plan it believes to be sound.

3.2 In response to representations on the Proposed Submission Version of the plan, the Council has published a series of proposed changes in 'Proposed Main Modifications' and 'Proposed Minor Modifications' (Documents A5.12 and A5.11). These are just suggested changes at this stage, they do not form part of the formal plan being examined, and the distinction between main and minor modifications has not yet been agreed by me. These potential changes will be considered during the examination and may be taken forward in due course. A number of changes are also suggested to the policies map in Document A5.11. Changes to the policies map will need to be published for public consultation alongside any main modifications in due course.

3.3 All written representations made on the Proposed Submission Version of the plan will be taken into account, but my report will not deal with every point that has been made. The examination relates solely to legal requirements and the soundness of the plan and as such only these matters will be covered in my report. Parties who are seeking changes to the plan (i.e. those who have lodged objections) will have the opportunity to put forward suggested changes to the submitted plan during the examination hearings, and together with the Council's responses these will be taken into account. It is important to stress however that the written evidence already submitted carries as much weight as verbal evidence given at the hearing sessions.

3.4 Those who have made representations supporting the NNLP do not have a right to attend the hearing sessions. The Council has submitted the plan for examination and can be expected to be able to explain and support its provisions. It is not therefore necessary for those who support the plan to attend the examination although I may agree to an exception if this would be helpful to the examination, for example those promoting allocated sites.

3.5 Those promoting 'omission sites' should note that these will not be considered directly in the hearing sessions, the first step is to determine whether the plan as submitted is sound.

3.6 The examination will end when my report is submitted to the Council. The potential outcomes for the examination are:

(a) The Council has complied with the duty to co-operate, the plan satisfies the legal requirements and is sound. In this case I would recommend that the plan be adopted without modification.

(b) These requirements have not been met and it would not be possible to further modify the plan to make it legally compliant and/or sound. In this case I would recommend that the plan be withdrawn. It would not be possible to correct a failure of the duty to co-operate.

(c) The submitted plan does not satisfy the legal requirements or is unsound in some way, but with further modifications these matters could be addressed. In these circumstances the Council has asked me to recommend modifications to make the plan legally compliant and/or sound so it can be adopted.

3.7 Any modifications I recommend would be limited to those required to address matters of legal compliance or soundness. These would be known as 'main modifications' and would be published for public consultation prior to being finalised.

3.8 The Council may make further minor 'additional modifications' prior to adoption provided these do not materially alter the policies of the plan. This would be a matter for the Council with such additional changes not being considered during the examination or forming a part of my report. These would include a number of factual changes and typographical errors that have already been identified in Document A5.11.

4.0 THE HEARING SESSIONS

4.1 From my reading of the NNLP, its supporting documentation and the representations received, a series of matters, issues and questions have been identified that require discussion during the examination hearings. These are set out in the accompanying document together with a broad programme for the hearing sessions.

4.2 The hearing sessions will take the form of a discussion, led by me, during which the Council and other participants will be invited to put forward their views and to elaborate upon their written submissions. Only participants who have been invited – those who have made representations on

the matter under discussion and wish to be involved – will be allowed to speak. Hearing participants will be given a full opportunity to contribute their views on relevant matters but there will also be a need to use hearing time efficiently for the benefit of all concerned. The hearing sessions will not be livestreamed or recorded but can be attended by interested members of the public who wish to observe proceedings.

4.3 The hearing sessions will commence at 10.00 am on Tuesday 23 January 2024 in the Committee Room, North Norfolk Council Offices, Holt Road, Cromer NR27 9EN and then in accordance with the subsequent timetable. Sessions will commence at 10.00 am with a short break mid-morning and a longer break around lunchtime. If there is a full afternoon session there will be a further short break mid-afternoon.

4.4 The broad programme for the hearing sessions has been circulated with this note, but the precise allocation of days will be determined in the light of the number of participants who wish to take part in the various sessions. Whilst the Programme Officer will endeavour to keep people informed of the detailed timetable it is the responsibility of participants to keep in contact and ensure they attend the appropriate sessions. The participants for each session will be those who made relevant representations on the NNLN and who have confirmed to the Programme Officer that they wish to speak.

4.5 All those who wish to speak at the hearing sessions should confirm this in writing to the Programme Officer by 5.00 pm on Friday 8 December 2023, stating clearly which session or sessions they wish to attend. This includes confirmation from those who may have previously indicated in their initial representations that they wish to participate. Please refer to the matter number. In the case of Matter 5 please specify which individual allocation(s) or settlement(s) you wish to discuss as the sessions will be split. In the case of the individual policies in Matters 7-11 please specify the policies you wish to discuss as others may be omitted from the programme.

4.6 If you do not contact the Programme Officer by 5.00 pm on Friday 8 December 2023 it will be assumed you do not wish to speak at the hearings and will rely on your written submissions. A finalised timetable and list of participants will be circulated prior to the hearing sessions and only those on the list will be allowed to speak.

4.7 Where several individuals or groups have made similar representations on a topic they are encouraged to appoint a common representative to avoid unnecessary repetition. Promoters of housing 'omission sites' will need to avoid repetition in relation to Matter 3.

5.0 THE EXAMINATION LIBRARY AND AVAILABILITY OF DOCUMENTS

5.1 All documents associated with the examination are available on the Council's website and this will be kept up to date. The Council has produced a range of background papers and supporting documentation and these are available together with the representations made on the proposed submission version of the plan and the consultation statement (Document A5) summarising the responses received. Attention is particularly drawn to Document A5.10 which sets out the Council's response to the various points made.

5.2 The latest hearing timetable and list of participants will be on the website, together with any further documents prepared to assist the examination, the hearing statements submitted by participants and any correspondence between the Inspector and the Council. An initial letter from

the Inspector dated 26 June 2023 seeking updated housing figures and clarification of certain matters (Document EX002), together with the Council's responses on 14 July and 27 September 2023 (Documents EX003,6,7,8,9) are already on the examination website and participant's attention is drawn to these.

5.3 If you have difficulties accessing the website please contact the Programme Officer or the Council.

6.0 THE SUBMISSION OF HEARING STATEMENTS AND FURTHER MATERIAL

6.1 The Council is asked to provide a full written response to the matters, issues and questions, addressing all the relevant points raised by representations. These should include specific references to supporting evidence or existing documents as necessary. Minor wording matters can however be dealt with verbally at the hearings.

6.2 Other participants may, if they wish, submit written statements addressing the matters, issues and questions to reinforce their existing representations (not new matters), and this is particularly helpful for the sessions being attended. However, there is no requirement to submit further statements and participants may rely on the submissions already made. Any statements should be succinct and there is no need to include extracts from the plan or examination documents as references will suffice. Any appendices should be kept to an absolute minimum and previous material should not be resubmitted. Those not participating in the hearings may also submit statements addressing the matters, issues and questions.

6.3 Statements should indicate exactly what changes are thought to be necessary to make the plan sound or legally compliant and make very clear the precise wording changes sought.

6.4 Participants concerned with housing supply matters should be aware that the Council has recently published updated housing monitoring figures as at April 2023. These are made available in Document EX006 on the examination website. Participants should familiarise themselves with these as they will be used as the basis for the examination. **Any hearing statements should be based on these more up to date 2023 housing monitoring figures.**

6.5 If a revised version of the National Planning Policy Framework is published in the next few weeks this should be taken into account in hearing statements.

6.6 Hearing statements should be submitted to the Programme Officer electronically with one hard copy also submitted for the use of the Inspector. For both the Council and other participants, **the deadline for the receipt of further written statements is 5.00 pm on Friday 5 January 2024.** The person or body submitting the representation should make it clear which specific matter, issue and question is being addressed, **with a separate statement for each matter.** Those commenting on several matters should not combine them into a single statement. In order for the hearing sessions to proceed as planned, late statements will not be accepted. Statements will be posted on the examination website and thus made available to other hearing participants and interested persons.

6.7 After this, no further opportunity will be provided for additional statements or further documentation unless this is specifically requested by me. In particular, there is no scope to produce rebuttal statements responding to the views of other participants and no opportunity for

further statements or written information to be submitted at the hearing sessions.

7.0 SITE VISITS

7.1 I will familiarise myself with the area and visit key sites before, during and after the examination hearings. These will generally be on an unaccompanied basis, but if there is a need to visit private land or be accompanied by the Council and other interested parties the necessary arrangements will be made through the Programme Officer.

8.0 SUMMARY/KEY POINTS

- The issues, matters and questions paper sets out the key questions for consideration during the examination
- The hearing sessions will begin at 10.00 am on Tuesday 23 January 2024 in the Committee Room, North Norfolk Council Offices, Holt Road, Cromer NR27 9EN
- A broad programme has been published for the hearing sessions over three separate weeks in the period January – March 2024
- All those who wish to speak at the hearing sessions must confirm this in writing to the Programme Officer by 5.00 pm on Friday 8 December 2023
- A finalised timetable and list of participants for the hearings will be confirmed in due course
- Participants who wish to submit further written statements to address the matters, issues and questions should do so by 5.00 pm on Friday 5 January 2024
- All documentation relevant to the examination is available on the Council's website
- Any queries should be directed to the Programme Officer – Annette Feeney

David Reed

INSPECTOR
3 November 2023