

## PEAK DISTRICT NATIONAL PARK AUTHORITY

### Examination of Development Management Policies

**Inspector:** Nick Palmer BA(Hons) BPI MRTPI

**Programme Officer:** Kerry Trueman

Programme Officer Solutions Ltd, 32 Devonshire Place, Prenton, Wirral CH43 1TU

**Tel:** 07582 310364

**Email:** [Kerry.Trueman@peakdistrict.gov.uk](mailto:Kerry.Trueman@peakdistrict.gov.uk)

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### GUIDANCE NOTE FROM THE INSPECTOR

#### Purpose

- 1 This Note is intended to assist those who have made representations as part of the pre-submission consultation process and those who wish to appear in person. It concerns procedural and other aspects of the examination process.

#### Examination Hearing

- 2 The examination hearing for the Peak District National Park Development Management Policies (DMP) will take place between **22 and 30 May 2018** at Aldern House, Baslow Road, Bakewell, Derbyshire DE45 1AE (start time 10.00am). It will form part of my examination of this Plan and will proceed on the basis of an agenda and timetable that I will prepare shortly in advance of the hearing.

#### Inspector's role

- 3 My task is to consider the soundness and legal compliance of the Plan, on the basis of the relevant legislation and the guidance in the National Planning Policy Framework (the Framework). Considering soundness involves examining the Plan to determine whether it is:
  - (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - (c) **effective** – deliverable over its period and based on effective joint working; and
  - (d) **consistent with national policy** – able to achieve sustainable development in accordance with the policies in the Framework.

- 4 Further details of the examination process are set out in the Planning Inspectorate's publication *Examining Local Plans: Procedural Practice*. See **Annex A** for details of how to access this document.
- 5 The starting point for the examination is the Peak District National Park Authority has submitted what it considers to be a sound plan. Those seeking changes must demonstrate why it is unsound by reference to one or more of the tests of soundness.
- 6 Unresolved issues concerning soundness or legal compliance may be addressed through discussion at the examination hearing and through consideration of the original written representations. It should be emphasised that my role is not to improve the Plan or to make it "more" sound but to determine whether or not it meets the soundness tests as it stands. For example, if an alternative version of a policy is put forward I cannot recommend it as an improvement if the Plan is already sound.
- 7 I have identified Matters for consideration, Issues on which the soundness of the DMP depends and Questions which I sent to the Authority on **22 March 2018**. These can be seen on the Examination website. I have requested responses to these by **27 April 2018**.
- 8 After the hearing has closed, I will prepare a report for the Authority with my conclusions and recommendations. I will have explained the next steps in the examination process including any indication of its likely completion date at the hearing. If I find the submitted Plan to be legally compliant and sound in all respects, my report will recommend its adoption. If I find the Plan non-compliant or unsound in any respect, I can recommend main modifications to make it compliant and sound. My report will deal with the main issues concerning the soundness of the Plan, taking into account the representations received. However, it will not deal with each one individually.
- 9 If main modifications are proposed by the Authority, adequate consultation will need to take place on them where necessary, so that the rights of interested parties are not prejudiced. Where appropriate, main modifications may also need to be covered by a revised Sustainability Assessment. The Authority may then, if it so wishes, formally adopt the Plan, incorporating the recommended main modifications.

### **Programme Officer**

- 10 Kerry Trueman is the Programme Officer (PO). She can be contacted on 07582 310364 or by e-mail at [Kerry.Trueman@peakdistrict.gov.uk](mailto:Kerry.Trueman@peakdistrict.gov.uk)
- 11 Her role is to act as an impartial officer of the Examination under my direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the examinations, to organise the hearing, to ensure that all documents are recorded and distributed as necessary. Details of the website where examination documents

related to the DMP are available are given in **Annex A**. Any other procedural questions or other matters that you wish to raise with me prior to the hearing should be directed through the PO.

### **Progressing representations**

- 12 Respondents have been asked by the Authority whether they wish to put their views across at a hearing. Whether views are expressed in writing or orally they will carry the same weight and I shall equal regard to views expressed by both methods. Attendance at a hearing session will only be useful and helpful to me if you need to participate in a discussion concerning the soundness or legal compliance of the DMP. Those who wish to proceed by written means can rely on what they have already submitted.
- 13 The right to participate in a hearing extends only to those who propose changes to the Plan in order to make it sound and legally compliant and is limited to those policies or matters which were the subject of the original representation. This strictly excludes those who have simply commented on a policy in the DMP. So although anyone can attend the ability to speak is not available to all but is limited to either those with a legal right or those specifically invited. This is one of the differences of the Examination process compared to other planning procedures. There is no need for those supporting the Plan to take part in the hearing.
- 14 Given the nature of the issues involved further statements from those representors wishing to attend the hearing are not required to assist me. This is also because their views are already in writing and any further responses can be made orally. However, evidence on any new matter which may have arisen since the original representations were submitted can be sent to me via the PO. This might be, for example, where a new document has been produced by others or evidence has emerged that has a direct bearing on the soundness of the DMP. Any such material should, however, be provided electronically, where possible, together with 3 paper copies to the PO's address above on **4 May 2018** by 5pm to allow sufficient preparation time for all parties.
- 15 Representors should also bear in mind that the Authority has produced an Addendum of Modifications to the DMP document (SD03) in light of the representations made. In some cases this may satisfactorily address the comments or objections made.
- 16 In some circumstances it may be appropriate for a participant and the Authority to reach an agreed position and to set this out in a Statement of Common Ground. Such a Statement might contain the wording for a main modification. Statements should be received by the PO on **4 May 2018** by 5pm.
- 17 If any person or organisation wishes to change from a written representation to an appearance at the hearing or vice-versa they

should inform the PO on **11 May 2018** by 5pm at the latest. This is in the interests of fairness to other participants and to assist with arrangements at the hearing itself.

## **Hearing**

- 18 The oral examination will be based on the matters, issues and questions that I have identified. The hearing will deal with the individual policies and any issues in turn and will consider them by way of a structured discussion which I will lead. The hearing will not normally involve cross-examination. Those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of the respective team.
- 19 The purpose of the hearing is to concentrate on the matters that I need to hear about. It is not an opportunity simply to repeat a case already set out in written representations. The discussion will be structured around an agenda which will be issued in its final form shortly before the hearing session. The emphasis will be on testing for soundness. I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal chance to speak.
- 20 I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the issues before me. There will be no formal presentation of evidence, as I will have read all the relevant representations beforehand, and I will expect all the other participants to have done so as well. No more evidence can be submitted once the hearing session has closed, except with my agreement.
- 21 The hearing will be inquisitorial, rather than adversarial. I shall endeavour to progress it in an effective and efficient manner, keeping a tight rein on the discussion and the time taken. In this way I aim to conduct a short, focussed, hearing to produce a short, focussed report.

## **Closing the examination**

- 22 The examination will remain open until my report is submitted to the Authority. However, no further representations or evidence will be accepted after the hearing has closed, unless I specifically request it. Any late unsolicited material will be returned.

*Nick Palmer*

INSPECTOR

26 March 2018

## **Annex A**

The Planning Inspectorate's publication *Examining Local Plans: Procedural Practice* can be found at:

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

The website where examination documents related to the DMP are available is at:

<http://www.peakdistrict.gov.uk/planning/how-we-work/policies-and-guides/development-management-policies/examination-library>