

**City Plan Part Two Brighton and Hove City Council's Development Plan
(the Plan/Local Plan) April 2020 Examination
Inspector – Ms R Barrett MRTPI IHBC
Programme Officer – Pauline Butcher**

Inspector Note 2
Guidance Note

1.0 Introductions

- 1.1 I am Ms R Barrett, the Inspector appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent Examination of the Proposed Submission City Plan Part Two Brighton & Hove City Council's Development Plan April 2020 (SD01). I shall refer to the document as the 'Local Plan' the 'Plan' or the 'submitted Plan' during the Examination.
- 1.2 Pauline Butcher is the Programme Officer for the Examination, working under my direction independently from Brighton and Hove City Council (the Council). She is responsible for organising the administration, maintaining the document library, ensuring that all documents received are distributed, and acting as the channel of communication between myself and the Council and those taking part in the Examination. She is the first point of contact for those with queries about the process.

The Programme Officer's contact details are:

Tel: 07731 956558

Email: programme_officer@talktalk.net (programme_officer@talktalk.net)

A webpage for the Examination has been established at the following:

<https://www.brighton-hove.gov.uk/city-plan-part-2-examination-2021>

2.0 The scope and purpose of the Examination

- 2.1 The purpose of the Examination of the Plan is to determine whether it satisfies legal requirements under the 2004 Act and associated Regulations, whether the Council has complied with the duty to co-operate and whether the Local Plan is sound. To be sound the Local Plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted what it considers to be a sound plan.
- 2.2 I will consider all of the representations made on the Local Plan, insofar as they relate to legal requirements or matters of soundness. I am not required to report on each and every representation individually, however. In some cases, the issues I have identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the Local Plan (an objection) has a

right to make their case in person at the hearing sessions, if they have indicated their wish to do so. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.

- 2.3 Those who have made representations supporting the submitted Plan do not have a right to participate at the hearing sessions. The Council has submitted the Local Plan for Examination and I expect it to be able to set out and justify its own position. I do not consider it necessary for those who support the submitted Plan to participate in hearing sessions, therefore.
- 2.4 Part of my task is to examine the soundness of the sites that are allocated for development in the submitted Plan. Those who have submitted representations to the effect that a site is unsound will be able to put their views to me at the hearing session, if they have made a request to do so. The Council will have the opportunity to respond.
- 2.5 Sites that have been put forward for inclusion in the submitted Plan, but not selected for allocation by the Council, are known informally as 'omission sites'. It is not part of my role to examine the soundness of omission sites, and, subject to the legal right to be heard (see paragraph 2.2), such sites will not normally be discussed at the hearing sessions.
- 2.6 Should the situation arise that additional site(s) are needed (for example because one or more of the allocated site(s) is found to be unsound), I will look to the Council, in the first instance, to decide which alternative site(s) should be brought forward for Examination.
- 2.7 The Examination will close when my report is submitted to the Council. The potential outcomes of the Examination are that:
 - a) I consider that the Council has complied with the duty to co-operate, the Local Plan satisfies legal requirements and it is sound – I would recommend that the submitted Plan is adopted and give reasons for this.
 - b) I consider that the Council has not complied with one or more of the above requirements – I would recommend that the submitted Plan is not adopted and give reasons for this.
 - c) I consider that the Council has complied with the duty to co-operate but that the submitted Plan does not satisfy legal requirements and/or is not sound and the Council has asked me to recommend modifications to address matters of legal compliance and/or soundness – I would make such recommendations.
- 2.8 It is important to stress that I would not be able to rectify non-compliance with the duty to co-operate. In addition, I can only make recommendations to modify the submitted Plan to address matters of legal compliance and/or soundness. I confirm that, in this circumstance, I have been asked to do so by the Council.

- 2.9 Any modifications that I recommend, which would be limited to those required to address matters of legal compliance or soundness, are known as 'Main Modifications'. The Main Modifications would be subject to public consultation, Sustainability Appraisal and Habitats Regulation Assessment prior to my report being finalised, as appropriate. The Council would be able to make 'Additional Modifications' prior to adopting the submitted Plan provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Council. I will not be considering such Additional Modifications during the Examination and they will not form part of my report.

3.0 The hearing sessions

- 3.1 I have identified a number of Matters and Issues¹ that need to be considered during the Examination. The hearing sessions will allow me to explore these Matters and Issues further with the Council and other participants, considering relevant representations made and any additional statements which I request. I will lead a relaxed and informal discussion bringing in the Council and other participants as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. The hearing sessions will be open to the public to observe but only those invited participants will be able to speak. An agenda for each hearing session will be circulated to participants in advance.
- 3.2 Many of those who have made representations to date have already indicated whether they wish to make their case in person at the hearing sessions. Any others qualifying and wishing to participate in one of the hearings should contact the Programme Officer by **4 October 2021** to confirm that they wish to make their case in person and at which session(s). A detailed timetable will then be produced.
- 3.3 The hearing sessions for the Examination will commence at **10.00am Tuesday 2 November 2021** and are expected to last just over two weeks. Given the Coronavirus (Covid-19) pandemic and the public health safeguarding and social distancing measures that were in operation when the Examination started and could be necessary for some participants, to give certainty to everyone involved, all sessions will be held virtually. Further guidance in virtual Examinations for participants and for those wishing to observe the hearing sessions, will be issued in due course.
- 3.4 Apart from on the first day, the morning sessions will start at 9.30am **each day**. Afternoon sessions will usually start at 2.00pm. There will be roughly an hour break for lunch and short breaks mid-morning and afternoon. The sessions will usually finish by 5.00pm although they may continue later if necessary. At this stage, hearings are proposed to be held on Tuesday, Wednesday and Friday for just over two weeks. The latter

¹ Matters, Issues and Questions Paper (Inspector Note 3) circulated with these Guidance Notes

part of a third week commencing **15 November 2021** is reserved in case of any overrun.

- 3.5 A provisional timetable for the hearing sessions has been produced². It may be that the detailed timetable will change closer to the start of the hearing sessions. Whilst the Programme Officer will endeavour to keep people informed, it is the participants' responsibility to keep in contact and ensure that they attend the appropriate sessions. The participants who will be listed are those who have confirmed to the Programme Officer that they wish to speak at the hearing sessions and have made relevant representations.

4.0 The Examination library and the availability of documents

- 4.1 The Programme Officer is maintaining a library containing all documents associated with the Examination. The Examination library will be updated to include any additional documents produced during the course of the Examination. An up to date list of documents with their reference numbers is available from the Programme Officer. All documents are available via the Examination website.

5.0 The submission of statements and further material

- 5.1 The Council should produce an individual statement for each of the matters identified, addressing all of the issues and specific questions set out in the Matters, Issues and Questions Paper. They should include specific references to supporting evidence where appropriate. It is not helpful to just refer to a topic paper or study in general terms however. There may be cases where the Council wish to propose changes to the submitted Plan in order to address matters of soundness. I have already asked the Council to maintain a Running List of suggested Main Modifications. It may be that additional changes will be proposed during the course of the hearing sessions.
- 5.2 Other participants may, if they wish, submit statements addressing the issues and questions set out for the session they are attending. There is no need to repeat points already made in representations however and participants may wish to rely on their earlier representations. Others who have made representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Although again, there is no need to repeat points already made.
- 5.3 Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the submitted Plan, other Examination documents or those in the public domain such as the National Planning Policy Framework (the Framework); clear cross referencing will suffice.

² Timetable for hearing sessions V.1 (Inspector Note 4) circulated with these Guidance Notes

- 5.4 The statements should be sent to the Programme Officer. For both the Council and other participants, the deadline for receipt of statements is **4 October 2021**. This is a strict deadline which must be adhered to in order for the hearings to proceed as planned. Statements should be submitted electronically if possible. It should be made clear who is submitting the statement (quoting the respondent ref. no.) and which matter it relates to. Statements should be no more than 2,000 words for any one matter, in A4 format and should not include appendices.
- 5.5 Other than the statements referred to above, no further information/documentation should be submitted to the Examination unless specifically asked for. Additional statements or information should not be presented at the hearing sessions.

6.0 Site visits

- 6.1 I will familiarise myself with the area and the sites as I consider necessary prior to the hearings. If unable to visit a site/area prior to hearings, I will make opportunity as soon as possible after. In any event, I may undertake further site visits during gaps in the hearing programme and after hearings. It is envisaged that my visits will be on an unaccompanied basis. If there is a need to make a visit on private land or accompanied by the Council and other interested parties, arrangements will be made via the Programme Officer.

7.0 Close of hearing sessions and submission of Inspector's report

- 7.1 The final hearing session will deal with any outstanding procedural matters and the next steps. I intend to announce the date when my report is expected to be submitted to the Council. This will consider any outstanding information requirements and the potential need for consultation; Sustainability Appraisal and Habitat Regulation Assessment of any Main Modifications being considered. I will then close the hearings and prepare my report. No additional statements or information should be submitted unless I specifically ask for them.

R Barrett
INSPECTOR