

Examination of the Northampton Local Plan Part 2 2011 – 2029

Inspectors:

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Introductions

1. We have been appointed by the Secretary of State on 9 February 2021 to examine the soundness of the Plan, and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 (the Act) and associated Regulations.

The plan being examined

2. The plan being examined is the Northampton Local Plan Part 2 2011 – 2029 Proposed Submission – Round 2 June 2020 (the Plan). Prior to publishing the above Plan for consultation, the Council undertook consultation on the Northampton Local Plan Part 2 Proposed Submission draft (Regulation 19) in May and June 2019. Insofar as they relate to matters unchanged between the two versions of the document, we will take into account representations made in both rounds of the consultation.

Purpose of this Guidance Note

3. This note provides guidance to participants on the procedural and administrative arrangements for our examination of the Plan. Please read and be familiar with this Guidance Note which sets out important details of the organisation and conduct of the examination. We shall assume that the Guidance Note has been read by participants at the hearing sessions.

The Inspector's role in the examination

4. The starting point for the examination is that the Council has submitted what they consider 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. These are set out in the [National Planning Policy Framework](#) (the Framework) in paragraph 35 which makes clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
5. There are three possible outcomes to the examination:
 - the submitted plan is sound and legally compliant;
 - the submitted plan is not sound and/or legally compliant but could be made so by changes (known as main modifications which would be subject to consultation), if necessary following the preparation of additional evidence; or

- the submitted plan is not sound and could not be made sound by changes. If so, we would be likely to recommend that the Council withdraw the plan. The same would apply if there is a failure of legal compliance which cannot be remedied.
6. Further details of the examination process are set out in the [Procedure Guide for Local Plan Examinations](#).

The examination programme

7. Our examination of the Plan commenced with our appointment and to date we have undertaken initial reading of the Plan, the evidence base documents and representations, following which we posed a number of initial questions to the Council. Our letter and the Council's responses have been published on the [examination website](#). You may wish to refer to these in preparing your statements.
8. Unresolved issues concerning soundness or legal compliance may be addressed through consideration of the original written representations and where necessary, following discussion at the examination hearing sessions. In this regard, please note that the hearings are part of the examination process, and not the examination itself. It should be emphasised that our role is not to improve the Plan or to make it 'more' sound but to determine whether or not it is legally compliant and meets the soundness tests as it stands. For example, if an alternative version of a policy is put forward, we cannot recommend it as an improvement if the Plan is already sound in that particular regard.
9. Hearings as part of the examination of the Plan will be held in November and December 2021. After the hearings have closed, and any consultation on main modifications as necessary have been completed, we will prepare a report for the Council with our conclusions. Our report will deal with the main issues concerning the legal compliance and soundness of the Plan, taking into account all the representations received. Our report will be concise and will address the Plan's legal compliance and soundness, not the detail of individual representations and objections.
10. Following our initial reading of the Plan, the supporting evidence, the representations and the Council's responses to our initial questions, we have identified the following matters and issues for the examination. They are:

Matter 1: Procedural/legal requirements

Issue: Whether all Statutory and Regulatory requirements have been met?

Matter 2 Housing Provision

Issue A: Is the provision for housing development effective and justified, and consistent with the strategic policies of the West Northamptonshire Joint Core Strategy (WNJCS) and national policy?

Issue B: Are the housing policies clear, justified and consistent with national policy, and will they be effective?

Matter 3: Provision for Gypsies, Travellers and Travelling Showpeople

Issue: Is the Plan positively prepared and would it be effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople?

Matter 4: Housing Allocations

Issue: Are the proposed housing allocations justified, effective and consistent with national policy?

Matter 5: Development Management Policies

Issue: Are the individual policies clear, justified and consistent with national policy, and will they be effective?

11. We also publish in further documents:

Main Issues and Questions (MIQs) for the examination. These will form the basis of the discussion at the hearing sessions at each stage.

Draft Examination Hearings Programme – this will set out the issues to be discussed at the hearing sessions.

Programme Officer

12. Ian Kemp has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. He is not a Council Officer and works to the Inspectors' direction. His principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library; and to assist the Inspectors with procedural matters.
13. Copies of examination documents can be found in the examination library on the [examination webpage](#). Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand. Additionally, if you have difficulties accessing the library please contact the PO. The examination library is a key resource for the examination and is updated regularly. In this examination we intend to minimise the use of hardcopy documents to only those which are strictly necessary.
14. Any procedural questions or other matters that you wish to raise with us prior to the hearing sessions should be made through the PO. He can be contacted by email to jdkemp@icloud.com, by phone on 07723 009166, or via PO Box 241, Droitwich, Worcestershire WR9 1DW.

Changes to the Plan

15. The starting point of the examination is that the Council has submitted a Plan which they consider to be sound and ready for examination. At this stage there are only two means by which changes can be made to the submitted Plan:

(1) *main modifications* recommended by the Inspectors

(2) *additional modifications* made by the Council on adoption.

16. However, we can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.¹ 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 and Habitats Regulations Assessment might also be needed.
17. Additional modifications are those changes which do not materially affect the policies in the Plan². They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.'³ The Council is accountable for any such changes and they do not fall within the scope of the examination.
18. The Council has formally requested that we recommend modifications to the Plan, as may be necessary to ensure legal compliance/soundness.
19. The Council has published proposed changes to the Plan in the form of schedules of Main Modifications (EXAM2), Additional Modifications (EXAM2A) and Proposed Changes to the Policies Map (EXAM2B) which are published on the examination website. These proposed changes have not been subject to consultation, and for the avoidance of doubt, our examination will be of the Plan published for consultation in June 2020. However, we will take into account the proposed changes in our examination, and if any are ultimately found necessary to make the Plan sound as main modifications, we would recommend those which would be necessary.

The scope of our examination

20. The submitted Plan is a Part 2 Plan to the WNJCS. We note that some representors have made comments regarding strategic matters concerning the review of the WNJCS and the preparation of the West Northamptonshire Strategic Plan. We think it would be helpful to confirm that in the examination of this Part 2 Plan for the former Northampton Borough area, the only strategic policy of the WNJCS which is proposed to be replaced is Policy H6 – Gypsies, Travellers and Travelling Showpeople.

Omission sites

21. A number of alternative development sites have been put forward in representations, which are known as 'omission sites'. We will not be considering the merits or otherwise of these sites as part of the examination as they do not form part of the Plan being examined.
22. We shall be testing the soundness of the allocations proposed in the Plan and the process by which they have been selected. If following the hearings, we were to conclude that the Plan is unsound in respect of its allocations for housing sites, then it would be for the Council to consider

¹ Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

² S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

³ 1.4 of *Procedure Guide for Local Plan Examinations*

whether the Plan should be modified, so as to make it sound. In doing so, the Council would need to undertake further consultation on any main modifications proposed. Amongst other things, this would ensure that interested parties who may not previously have been affected by the Plan but could be affected by proposed main modifications to it, would have the opportunity to make representations.

Participation in the hearing sessions

23. The hearings will take the form of a focused roundtable discussion which we will lead. Discussion at the hearing sessions will be based on the MIQs. The purpose of the hearings is to concentrate on the issues that we need to hear more about to enable us to gain the information necessary to come to firm conclusions.
24. Only those who have made representations seeking to change the Plan have a right to appear before, and be heard by, the Inspectors. If you have a right to be heard, and you wish to exercise that right, you should contact the PO **by 5.00 pm on Friday 15 October 2021** indicating the appropriate Matter and the session you wish to attend (see the draft Programme). You need to do this regardless of what you may have indicated on the representation form. **Please note that if you do not contact the PO by that date it will be assumed that you do not wish to appear and be heard, and you will not be listed as a participant.** You should only request to be heard at a hearing session if you have made a relevant representation seeking a change to the Plan in relation to that particular matter. However, it is our intention that the hearing sessions will be livestreamed, and a link will be placed on the examination website.
25. It is not usual for those supporting a local plan to be heard at a hearing session, unless specifically invited by the Inspectors. This is because S20 of the Act states that the Council must not submit a plan for examination unless they think it is ready for independent examination. It is therefore for those seeking changes to the Plan to demonstrate why they consider the Plan is unsound and what changes may be necessary to make it sound.
26. The discussion at a hearing will be structured around an agenda which will be issued in its final form a week or so before specific hearing sessions. This will not be as extensive as the MIQs accompanying this note since some of the issues will be capable of being dealt with in writing, and we may have received sufficient answers to our questions in the submitted statements so that we do not need to ask further questions at the hearings. We may also refine our questions following reading the statements so that we can concentrate upon the issues where we need further information. The discussions may not therefore follow precisely the MIQs. **It is important to note that written representations and oral representations carry the same weight in the examination**, and we will have equal regard to views put at a hearing or in writing.
27. The emphasis in the hearings will be on testing for soundness. They are not an opportunity simply to repeat a case already set out in written representations. We shall make comments on the matters we want covered, then invite individuals to make their contribution only in response to the points we have raised. All participants will have an equal chance to

contribute in the focused sessions.

28. There will be no formal presentation of evidence, as we will have read all the relevant representations and statements beforehand, and we will expect all the other participants to have done so. No more evidence can be submitted once the hearing session has closed, except where we have requested it or with our agreement.
29. The hearings will be inquisitorial rather than adversarial and will be short and focused with careful control over the discussion and the time taken. We will not permit the repetition of points nor submissions which do not address the questions asked. Those who have submitted similar representations on the same matter or issue should consider whether their concerns can be dealt with by one or two appointed spokespeople. Please discuss this with the PO.

The hearing format and venue

30. The hearings are planned as face-to-face sessions.
31. The Council have expressed a preference for the hearings to be held in a face-to-face format, rather than being a virtual event. We have agreed to this after considering the measures which the Council intend to put into place regarding Covid-19. Specific information will be made available to participants in this regard. The hearings are programmed to be held within **The Jeffery Room of Northampton Guildhall, St Giles' Square, Northampton, NN1 1DE.**
32. The hearing sessions will normally run between 9.30 and 13.00 and 14.00 and 17.00 each day. A short break will usually be taken mid-morning and mid-afternoon. However please check with the actual timings of sessions on the examination website as they are liable to change. Please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing. Physical attendance at the event for people to observe the hearings may be possible, but is likely to be restricted due to Covid limitations. Again, further information will be made available in due course. The face-to-face events would be available for interested parties to observe online.
33. Representors unable to attend a face-to-face event due to Covid 19 considerations and are unable to be represented by an agent should contact the PO. If necessary, measures will be in place for them to participate virtually in a specific 'virtual' hearing session.
34. However, should it not prove practical to accommodate the number of participants safely at the Guildhall, or the Covid 19 situation changes adversely, and we consider that face-to-face events would no longer be feasible, effective or safe, it is our intention that the hearings will instead be conducted as 'virtual' sessions with all concerned using video conferencing technology, rather than as face-to-face sessions.
35. The detailed arrangements for any virtual sessions would be set out in due course and those participating in them will be contacted by the PO directly. Virtual sessions would also be available to observe online.

36. For a virtual event, it is our intention that each day there would be three hearing sessions each of around 90 minutes in order to manage screen time. Consequently, the hearing sessions will normally run between 9.30 and 11.00; 11.30 and 13.00 and 14.00 and 15.30 each day. However, if the hearings proceed virtually, please check with the actual timings of sessions on the examination website as they are liable to change, and a certain amount of flexibility will be needed to ensure that we keep to the programme. Please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the hearings.

Hearing statements

37. The following provisions should be carefully read and followed. Otherwise, statements may be returned.
38. The Council should produce a hearing statement for each of the issues and questions set out in the MIQs.
39. Those who made representations may also submit hearing statements on the MIQs. However, preparing a statement is not a requirement and representors may wish to rely on previous submissions. The original representations should have included all the points and evidence necessary to substantiate them, so there will be no need to submit further material based on the original representations. Any further written evidence shall be limited to responding to the issues and questions which we have identified. It should not merely repeat the representations, stray beyond the issues to which each original representation refers, nor attempt to go beyond the scope of this examination.
40. To ensure fairness, hearing statements from those who made representations should be a maximum of **3000 words** for **each Matter**. This limit will be strictly applied. Within this limit, they should be kept as short as possible. Appendices should only be included where directly relevant and necessary, and should also be as succinct as possible. Lengthy statements and/or appendices, will be questioned by the PO and might be returned. Please do not submit further statements in the guise of appendices as they are also liable to be returned. In addition, statements should:
- include page and paragraph numbers
 - **only** answer the specific questions which are of relevance to your representations;
 - clearly identify the number(s) of the question(s) being answered;
 - when referring to documents in the examination library give the document reference and paragraph number;
 - 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); and
 - a separate statement should be provided for each Matter addressed.
41. The Council should produce statements which are focussed and succinct. However, because they have to answer every question, it may be necessary to go over the 3,000 word limit.

42. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper. Please contact the PO to discuss.
43. In preparing statements you should be aware that the evidence documents in the examination library on the examination webpage are updated through the course of the examination. In particular, please be aware that the Council has updated a number of evidence documents and provided new documents in responding to my initial questions. Furthermore, you should be aware that the Framework was revised in July 2021, along with parts of the National Planning Practice Guidance.
44. It is expected that hearing statement(s) will only be submitted electronically by email to the PO. **All statements must be received by the PO by 12 noon on Friday 5 November 2021.** Given the time being made available for the preparation of statements, unless there are clearly demonstrated exceptional circumstances, late submissions will not be accepted.
45. Hearing statements will be posted on the examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them online should contact the PO.
46. Aside from these hearing statements no other written evidence will be accepted, unless we specifically request it.

Statements of Common Ground

47. Statements of Common Ground, agreed between two or more hearing participants, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearings to concentrate on the key issues that need further testing to establish whether the plan is sound. They could, for example, include agreed wording of a suggested change to a policy, agreed factual information, or clearly identified points of disagreement. Statements of Common Ground should ideally be submitted in time to feed into the relevant hearing sessions.

The hearing timetable

48. The hearings are due to open on Tuesday 16 November 2021 at 09.30. In due course draft timed agendas and draft lists of participants will be published separately on the examination website. Regular updates to the timetable and list will be available on the examination website. It is the responsibility of individual participants to ensure that they are present at the correct time.

Closing the examination

49. The examination will remain open until our report is submitted to the Council. However, no further representations or evidence will be accepted after the hearings are closed, unless we specifically request it. Any unsolicited material is liable to be returned.

Further information

50. Further information about the preparation and examination of Local Plans can be found in the National Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and in the [Procedure Guide](#).

Philip Lewis and Mark Sturgess

INSPECTORS