Examination of the Doncaster Local Plan

Inspector: William Fieldhouse
Programme Officer: Elaine Reeson
Telephone Number 01302 862376
Email: EIP.Programmeofficer@doncaster.gov.uk
Address: Civic Office, Doncaster Council, Waterdale, Doncaster, DN1 3BU

Examination webpage: https://www.doncaster.gov.uk/services/planning/local-plan-examination

INSPECTOR’S NOTE NO. 1: GUIDANCE NOTE FROM THE INSPECTOR

Purpose

1. The Doncaster Local Plan ("the Plan") was submitted for examination on 4 March 2020. I have been appointed by the Secretary of State to conduct the examination. This note provides guidance on the procedural and administrative arrangements for the examination.

2. Further information on the examination process can be found in the Planning Inspectorate’s publication Procedure Guide for Local Plan Examinations (5th edition, June 2019) which is available via https://www.gov.uk/guidance/local-plans.


4. In light of that advice, I am not setting dates for examination hearing sessions. However, as agreed with the Council and at least until further notice, I am continuing my initial work in examining the Plan. This may entail publishing some Preliminary Questions about the Plan and evidence for the Council to respond to. And, towards the end of April, I may publish my matters, issues and questions which will be the focus of the examination.

Programme Officer

5. Elaine Reeson is the Programme Officer for the examination. She is working under my direction and is independent of the Council. Her contact details are given above.
6. The main tasks of the Programme Officer are to act as the channel of communication between the Inspector, the Council and all representors; to liaise with all parties to ensure the smooth running of the examination; to organise the examination hearing sessions; and to oversee the publication of information and documents on the examination website.

7. Any procedural questions or other matters that you wish to raise should be directed to the Programme Officer.

**Examination webpage**

8. The examination webpages (link above) are hosted on the Council’s website, but it is independent and all content should be agreed by me or the Programme Officer on my behalf. All documents for the examination, including the evidence base and the procedural material, will be published on the examination website.

9. Please regularly check the “latest updates” section of the website if you wish to be actively involved in the examination.

10. If you do not have access to the internet, please contact the Programme Officer so that alternative arrangements can be put in place.

**Inspector’s role**

11. My task is to consider whether the Plan complies with the relevant legislation and is sound. The *National Planning Policy Framework* (NPPF) (paragraph 35) makes it clear that in order to be sound the Plan must be:

   (a) *positively prepared* – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs;
   
   (b) *justified* – an appropriate strategy taking into account the reasonable alternatives, and based on proportionate evidence;
   
   (c) *effective* – deliverable over its period and based on effective joint working as evidenced by the statement of common ground; and
   
   (d) *consistent with national policy* – enabling the delivery of sustainable development in accordance with the NPPF’s policies.

12. It is not part of my role to make improvements to the Plan, provided that it is sound and legally-compliant.

**The examination**

13. 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*), 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, I 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.

14. At the end of the examination I will send a report to the Council setting out my conclusions and recommendations. My report will deal with the main issues of soundness and legal compliance, taking into account the representations made but without responding to each of them.

15. The basis for my examination will be the Plan published for consultation in August 2019.

Changes to the plan

16. The starting point for the examination is that the Council has submitted what it considers to be a sound Plan. Now that the Plan has been submitted there are only two means by which changes can be made to it:

(a) as main modifications recommended by me; or
(b) as additional modifications made by the Council.

17. I can only recommend main modifications if they are necessary to make the submitted Plan sound and/or legally-compliant. Potential main modifications are likely to be proposed during the examination. Any potential main modifications must be subject to consultation before I formally recommend them, and in some cases they may also require further sustainability appraisal.

18. Additional modifications (sometimes also referred to as “minor modifications”) are changes which do not materially affect the policies in the Plan. They may be made by the Council on adoption and do not fall within the scope of the examination. The Council is accountable for any additional modifications that are made.

19. The Council submitted two schedules of suggested changes to the Plan on 4 March 2020. I will consider whether any of those are necessary to make the Plan sound during the examination.

Representations made on the Plan

20. The Council has prepared a Statement of Consultation which includes details of the consultation that has taken place on the Plan, and a summary of the main issues raised in the representations along with the Council’s responses.

21. A full set of the representations made on the Plan in response to the regulation 19 consultation in 2019 has been provided to me and I will take those into account.

---

1 CSD3.
2 CSD5 and CSD6.
3 CSD10.
Matters, issues and questions, and written statements

22. As stated above, towards the end of April, I am likely to publish the matters, issues and questions that will be the focus of the examination. However, I am unlikely to request the submission of written statements and set a deadline for their receipt by the Programme Officer until I am able to set dates for hearing sessions. Further information about written statements will be provided at that time.

Attending the hearings

23. Anyone may attend the hearings as an observer, but only those who have made representations under Regulation 20 (ie in response to the Plan published for consultation in August 2019) seeking to change the Plan have a right to be heard (ie participate at a hearing session).

24. Written representations carry the same weight as those made orally at a hearing session. Participation at the hearings is therefore only likely to be beneficial if you have specific points to contribute on the published matters, issues and questions. Normally you may only take part in the hearing session or sessions relevant to your original representations.

25. When dates can be set for the hearing sessions, all representors will be asked if they wish to exercise their right to be heard and a deadline will be set to respond. You must do this regardless of what you may have indicated in your original representations. If you do not contact the Programme Officer by the specified date, it will be assumed that you do not wish to be heard and you will not be listed as a participant.

26. Representors who are not seeking changes to the Plan, including those who have made representations supporting it, do not have a right to take part in the hearings. However, I may invite additional participants if I decide that it would assist me in determining the soundness and legal compliance of the Plan.

27. To ensure that there is sufficient space, organisations participating in the hearings will normally be allocated one seat at the table. A limited amount of “hot seating” may be permitted, but this must not disrupt proceedings. Similarly, the Council should limit the number of its representatives at the table to those needed to deal with the topic under discussion.

28. Where several representors or organisations who have similar points to make wish to attend the hearings, it would assist me if they would arrange to be represented by one or two spokespersons.

Conduct of the hearing sessions

29. The hearing sessions will be based on the identified matters, issues and questions. Each session will deal with these by way of a structured and focussed discussion which I will lead, taking an inquisitorial approach. There will be no formal presentation of cases or cross-examination.
Participants may, if they wish, bring professional experts with them although this is not essential.

30. The purpose of the hearing sessions is not to air representations or discuss all parts of the Plan. Rather, it is to allow me to focus on potential soundness issues that I need to ask specific questions about in order to reach a conclusion. For some parts of the Plan this will not be necessary once I have considered all of the evidence, representations and written statements.

31. Discussion at the hearings will therefore focus on the issues that I need to hear more about in order to reach conclusions on the soundness and legal compliance of the Plan, and on any potential need for main modifications. I will make a few brief introductory comments on the issues to be covered and then invite the Council, and potentially other participants, to respond to specific questions. I will have read all the relevant representations and statements beforehand, and will expect other participants to have done so as well.

Omission sites

32. Some representations are concerned with what are known as “omission sites”. These are sites which have not been allocated in the Plan for development. However, my role is to examine the soundness of the submitted Plan. It is not part of my role to examine the soundness of sites that are not allocated in the Plan. Consequently, I do not propose to hold a hearing session dealing specifically with sites that have not been allocated in the Plan, or to discuss the merits of omission sites at other sessions.

33. If I decide that additional sites need to be allocated in the Plan to make it sound, I will look to the Council to decide which alternative or additional sites should be brought forward for examination.

Site visits

34. I will carry out site visits before, during, or after the hearings as necessary to inform my assessment of the soundness of the Plan. All site visits will be unaccompanied, unless it is necessary to go onto private land or there are other specific reasons that mean that I wish to be accompanied. The timing of any accompanied visits would have to take account of the guidance relating to coronavirus.

Close of the examination

35. The examination will close when my report is submitted to the Council. However, unless I specifically request them, no further representations or evidence will be accepted after the hearing sessions have finished.

William Fieldhouse
INSPECTOR