

## Introduction

1. On 7 July 2017, Cotswold District Council ("the Council") submitted the Cotswold Local Plan 2011-2031 [SD003] and Focussed Changes Addendum [SD004], along with supporting documents, for independent Examination by a Planning Inspector appointed by the Secretary of State.
2. The Cotswold Community Infrastructure Levy ("CIL") Draft Charging Schedule [CIL001] was submitted for Examination at the same time as the Plan.
3. This Guidance Note provides information about how the Plan will be examined. National guidance on local plan examinations is set out in *Procedural Practice in the Examination of Local Plans* (The Planning Inspectorate, June 2016)<sup>1</sup>.
4. It is possible that some of the information set out in this Note, including that relating to the timing of certain events, may need to be updated during the course of the Examination.

## The Inspector and His Role

5. The Plan is being examined by **William Fieldhouse BA (Hons) MA MRTPI**. He has also been appointed to examine the CIL Draft Charging Schedule. The Examinations will be carried out jointly in so far as this is practicable. A separate Guidance Note will be prepared for the CIL Examination.
6. The Inspector will examine whether the Plan has been prepared in accordance with the requirements of the *Planning and Compulsory Purchase Act 2004* (as amended) ("the Act") and associated Regulations<sup>2</sup>, and whether it meets the tests of soundness set out in the *National Planning Policy Framework* ("the NPPF").
7. The Inspector will aim to work with the Council, and everyone else involved in the Examination, in a positive and pragmatic manner. The Inspector will seek early clarification from the Council on any queries and concerns he has arising from his initial appraisal of the Plan ("Preliminary Questions"), and it is possible that the Inspector will have further questions as the Examination proceeds. Any such questions, and the Council's responses, will be published.

## The Programme Officer and Her Role

8. The Programme Officer is **Tracey Smith**. She is acting as an independent officer under the direction of the Inspector, and is responsible for recording and circulating all material, maintaining the Examination library and website, and organising the hearing sessions. She will act as a channel of communication between the Inspector and all parties, including the Council. Any queries about the Examination should be raised with the Programme Officer who will provide guidance and advice, having liaised with the Inspector or the Council if necessary.

---

<sup>1</sup> [http://www.planningportal.gov.uk/uploads/pins/dpd\\_procedure\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf)

<sup>2</sup> *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended).

9. The Programme Officer will ensure that up to date and comprehensive information about the Examination, and copies of all documents, are published on the Examination website: [www.cotswold.gov.uk/lpexamination](http://www.cotswold.gov.uk/lpexamination).
10. If anyone wishes to view paper copies of any of the documents they should contact the Programme Officer.
11. Anyone who has a disability that could affect their involvement in the Examination, including at the hearing sessions, should contact the Programme Officer as soon as possible for assistance.
12. The Programme Officer can be contacted as follows:
  - Postal address: Chairman's Room, Cotswold District Council, Trinity Road, Cirencester GL7 1PX
  - Tel: 07989 582577
  - Email: tracey.smith@cotswold.gov.uk

### **The Plan, Focussed Changes, and Representations**

13. The Submission Draft Local Plan was published for a six week period of consultation in June 2016 in accordance with Regulation 19. The Council advises that, in response, it received a total of 1,298 comments from 352 different representors.
14. Having considered these representations, the Council published a Focussed Changes Addendum in January 2017 [SD004]. The Focussed Changes have been subject to sustainability appraisal and a six week period of consultation during which a total of 220 comments were received from 72 representors.
15. The Inspector will take account of all of the representations received, both in response to the submission draft Plan and the Focussed Changes.
16. In light of the above, **the Focussed Changes will be treated as part of the Plan to be examined**. The Council has produced a version of the submission draft Plan incorporating the Focussed Changes [SD007]. All references to "the Plan" throughout this examination are to that document.

### **Purpose and Scope of the Examination**

17. The Council will be asked to confirm that it is satisfied that all legal and procedural requirements have been met up to the point at which it submitted the Plan for examination. The Inspector will, however, need to be satisfied that this is indeed the case and will therefore give this further consideration during the Examination. This will involve assessing whether:
  - the Council has complied with the **Duty to Co-operate** under Section 33A of Planning and Compulsory Purchase Act 2004 (as amended);
  - the Plan has been prepared in accordance with the Council's **Local Development Scheme** and **Statement of Community Involvement**;
  - the Plan has been subject to adequate **Sustainability Appraisal**;
  - **Habitat Regulations Assessment** has been carried out if necessary; and
  - **publicity** and other **procedural requirements** of the Act and Regulations have been complied with.
18. The starting point for the Inspectors' assessment is the assumption that the Council has submitted what it considers to be a sound Plan subject to the Focussed Changes. The tests of soundness are set out in the NPPF. To be sound the Plan must be:

- **Positively prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- **Justified:** the most appropriate strategy when considered against the reasonable alternatives, and based on proportionate evidence;
- **Effective:** deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

19. The Inspector will consider all of the representations made about the Plan and the Focussed Changes, but he will not report on each of the points made. Rather, the representations will be used to inform the Inspector's judgements about soundness and legal compliance.
20. It is **not** the role of the Inspector to "improve" the Plan, but only to address any unresolved issues that would otherwise mean that the soundness and legal tests would not be met. The Inspector is not empowered to recommend modifications unless they are essential to meet those tests.

### **Main Modifications**

21. If the Inspector considers that modifications need to be made to the Plan in order to achieve soundness or legal compliance, then under section 20(7C) of the 2004 Act the Council can ask him to recommend those "main modifications". The Council will be asked to confirm that it does wish the Inspector to make such recommendations if necessary.
22. If the Inspector decides during the Examination that modifications are required to make the Plan sound or legally compliant, he will ask the Council to draft relevant revisions having regard to all representations and evidence.
23. If main modifications are to be recommended by the Inspector it will be necessary to ensure that others have the opportunity to comment on all of them, and, if appropriate, for further sustainability appraisal to be carried out. Therefore, later in the Examination there is likely to be a period of formal consultation on proposed main modifications. In such circumstances, the Inspector would consider any comments and appraisal as part of his assessment before finalising his report.

### **Additional Modifications**

24. The Council may wish to make minor changes ("additional modifications") to the Plan relating to matters such as correcting typographical errors, minor editing, and factual or name changes. These would not be matters for the Inspector, although it would be helpful to all those involved in the Examination if the Council maintained an up to date list of any such additional modifications.

### **The Policies Map**

25. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan<sup>3</sup>. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the submission Policies Map, which includes a number of Focussed Changes, is included within the Plan [SD007] and appears to consist of an A4 map of the District and a series of inset and other maps.

---

<sup>3</sup> Regulation 9.

The Council has been asked to clarify precisely what the statutory Policies Map comprises.

26. The Policies Map is not defined in statute as a development plan document and therefore the Inspector does not have the power to recommend main modifications to it. However, the accompanying Map is clearly a critical geographic illustration of how the policies will be applied, and potential changes to it will be discussed during the hearing sessions if necessary. The Council should maintain a comprehensive list of any changes it proposes, or ones that the Inspector suggests are necessary, to the Policies Map throughout the Examination. The list will be published on the Examination website, and the Inspector's report may refer to it as necessary.

### **Examination Programme**

27. The key stages in the Examination are currently expected to be as follows. Further information about these stages is set out in the subsequent sections of this note:

- **Friday 11 August 2017** – deadline for commenting on the draft hearing programme (Appendix C) and for notifying the Programme Officer that you wish to participate at a hearing session.
- **w/c 21 August 2017** – publication of the Inspector's Matters, Issues and Questions for the examination.
- **w/c 4 September 2017** – confirmation of hearing programme and participants.
- **Wednesday 27 September 2017**- deadline for submission of written statements relating to matters to be heard at the hearing sessions in October.
- **w/c 9 October 2017**– hearing sessions commence.
- **w/c 16 October 2017**– hearing sessions continue.

***Provisional Dates** (subject to any interim findings by the Inspector following the first hearing sessions):*

- **w/c 23 October 2017** – deadline for submission of written statements relating to matters to be heard at the further hearing sessions.
  - **w/c 13 November 2017** – further hearing sessions.
  - **w/c 20 November 2017** – further hearing sessions.
  - **w/c 4 December 2017** – further hearing session (if necessary) and CIL hearing session.
  - **January / February 2018** – consultation on Proposed Main Modifications to the Plan (if necessary).
28. Every effort will be made to keep to the above timetable, but it is possible that alterations will need to be made. The Examination website will be updated regularly, including any changes to, and details about, the timetable.

### **Hearing Sessions**

29. The hearing sessions are intended to allow the Inspector to explore the matters and issues that he identifies. The sessions will be chaired by the Inspector and be informal, yet structured. Participants may include professional experts and lawyers as

appropriate, but there will be no cross-examination. Everyone should focus on answering the Inspector's questions, and comments that have been made in writing need not be repeated in detail. There should be no attempts to formally present evidence. The Inspector will ask questions of specific participants, and will also allow others to contribute on that issue if they wish. The Inspector may give participants the opportunity to ask questions of each other. Each matter and issue will be explored as far as necessary, before moving onto the next.

30. A draft programme for the hearing sessions is attached as Appendix C. This includes the Matters that the Examination will focus on. Detailed Issues and Questions relating to these Matters will be set out in a separate note from the Inspector in the **week commencing 21 August 2017**. Any comments about the draft programme, for example because a significant matter has been omitted, should be sent to the Programme Office by **Friday 11 August 2017**.
31. Hearing sessions are public events, and anyone is entitled to attend in order to observe. However, only those who have made representations seeking changes to the Plan or the Focussed Changes have the legal right to appear before, and be heard by, the Inspector. It is important to stress that written representations carry the same weight as those made orally at a hearing session and therefore participation at a hearing session is only necessary if you have specific points that you wish to make in response to a particular matter.
32. Anyone who has a right to be heard, and wishes to exercise that right, should let the Programme Officer know in writing by **Friday 11 August 2017**. If you do not contact the Programme Officer 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 on the finalised programme. The Inspector may invite other persons to appear at the hearing session if he considers that this would help with his Examination.

### Written Statements

33. Those participating in the hearing sessions may provide succinct written statements that directly address the matters, issues and questions set out by the Inspector. However, this may not be necessary if the arguments and evidence are already set out in the representations made in response to the submission draft Plan or Focussed Changes. If a further statement is submitted, it should not introduce new concerns or new evidence (unless this has subsequently become available and is of critical importance). The most relevant points from the earlier representation can be summarised where they relate to the Inspector's questions, and cross-references can be made to other submitted or published material. In answering the Inspector's questions, it should be made clear if it is considered that the Plan is unsound and, if so, why (with reference to the NPPF) and how it could be made sound. Where appropriate, specific alternative wording should be set out.
34. Representors that are not participating at hearing sessions, but instead relying on their written representations, may submit an additional written statement if they wish to directly address the Inspector's issues and questions. Any such statement should adopt the same approach as that required of hearing participants.
35. The Council should provide a written statement for each hearing session that addresses all of the issues and questions with reference to specific parts of the relevant background documents. Any main modifications that the Council considers to be necessary to make the Plan sound should be clearly and fully set out. The Council's response to any main modifications suggested by third parties should also be contained in the appropriate hearing statement.

36. Written hearing statements submitted to the Programme Officer after the deadline set by the Inspector are unlikely to be accepted. All accepted statements will be published on the Examination website (and the website links to these emailed to all other participants attending the same session).
37. A format for written statements is attached as Appendix B. This, including the 3,000 word limit, must be adhered to as otherwise they may be returned by the Programme Officer for editing or not accepted at all.

### **Statements of Common Ground**

38. Participants should attempt to reach agreement with each other as far as possible before the hearing sessions commence. This may be on matters of fact, relevant evidence, or suggestions for main modifications. Statements of common ground can be particularly helpful. These should be submitted as part of, or alongside, the written hearing statement where possible. However, if agreement can be reached following consideration of other participants' written hearing statements, a statement of common ground may still be submitted; this should be done as far in advance of the relevant hearing session as possible.

### **Omission Sites and Development Boundaries**

39. A number of representors have proposed that sites be allocated for development either in addition, or as alternatives, to those included in the submitted Plan. Representations have also been made about the position of Development Boundaries shown on the Policies Map. However, the purpose of the Examination is to assess the soundness of the submitted Plan, rather than to consider the merits of omission sites or the Policies Map. Should the situation arise that additional land for development needs to be identified in order to make the Plan sound, then the Council will be asked in the first instance to suggest further allocations and/or changes to Development Boundaries which would then be considered as part of the Examination. Whilst it may be the case that some representors proposing omission sites or changes to Development Boundaries are entitled to participate at the hearing, their involvement should focus on the matters, issues and questions identified by the Inspector.

### **Site Visits**

40. The Inspector may make unaccompanied site visits to the Plan area during the course of the Examination.
41. If it is considered essential that the Inspector makes a visit to a particular site on an accompanied basis, for example due to the need to go onto private land for reasons related directly to representations already made, then this should be discussed with the Programme Office as soon as possible.
42. For the reasons set out above, the Inspector is unlikely to need to visit "omission sites" (unless they are the subject of proposed main modifications suggested by the Council during the examination).

### **Inspector's Report**

43. There are several possible outcomes of the Examination. The most serious would be a conclusion that the Plan incorporating the Focussed Changes is unsound or that legal or procedural requirements have not been complied with, that the fault is so fundamental that it could not be corrected by main modifications, and therefore the Plan should be withdrawn. Alternatively, it could be concluded that the Plan incorporating the Focussed Changes is sound and legally compliant, and no main modifications are needed. Finally, it is possible that the Plan incorporating the

Focussed Changes is not sound or legally compliant, but could be made so by way of main modifications.

44. The Inspector will send his report to the Council at the end of the Examination after he has considered any representations made about any proposed main modifications. This will set out his conclusions and, if necessary, the main modifications required to make the Plan sound and/or legally compliant. Any such main modifications would have to be used by the Council if it wishes to adopt the Plan.
45. The Inspector will announce after the end of the hearing sessions the date on which he expects to send his report to the Council. The date will be published, and updated if necessary, on the Examination website.

### **Close of the Examination**

46. The Examination will remain open until the Inspector's report has been submitted to the Council. However, no further representations or evidence will be accepted after the hearing sessions unless this has been specifically requested by the Inspector.

### **And Finally .....**

47. The Inspector urges all those wishing to participate in the Examination to:
  - Make sure they understand this note and what the Examination will entail, and contact the Programme Officer as soon as possible if they have any queries.
  - Adhere to the published timetable.
  - Be aware of the relevant documents on the Examination website.
  - Focus on the Inspector's matters, issues and questions, and address these in terms of the tests of soundness set out in the NPPF.
  - Be explicit about any main modifications considered necessary.
  - Keep in contact with the Programme Officer and regularly check the Examination website.

*William Fieldhouse*

INSPECTOR

20 July 2017

**Legislation and Guidance****UK Legislation**

The Planning and Compulsory Purchase Act 2004 (as amended), and the Town and Country Planning (Local Planning) (England) Regulations 2012, can be found by searching on <http://www.legislation.gov.uk>

**National Policy and Guidance**

The *National Planning Policy Framework* and associated *Planning Practice Guidance* can be found on:

<http://planningguidance.communities.gov.uk>

**Guidance from the Planning Inspectorate**

*Procedural Practice in the Examination of Local Plans* (PINS, June 2016) is available at:

[http://www.planningportal.gov.uk/uploads/pins/dpd\\_procedure\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf)

**Examination and Submission Documents**

All of the submission and examination documents will be published on the Examination website:

[www.cotswold.gov.uk/lpexamination](http://www.cotswold.gov.uk/lpexamination)



**Hearing Statements**

- A. A separate statement may be submitted for each Matter identified by the Inspector. You should only answer those questions that relate to the content of your original representation.
- B. None of the statements should be longer than 3,000 words. The Council may exceed this limit if replying to a large number of questions. Any submissions longer than this will be returned by the Programme Officer for editing.
- C. All statements must be headed with the representor's name and be clearly marked, at the top, right hand corner, with the appropriate matter number and representor ID reference which will be shown on the top of the Programme Officer's initial letter to you. Representors' statements should be referenced: Matter 1/5 for representor 5's statement on Matter 1. Please contact the Programme Officer if you do not know your ID number.
- D. Statements must be succinct and answer the questions asked by the Inspector. There is no need to repeat details made in your original representations, although points directly relevant to the question can be summarised and cross references provided where appropriate. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need to include quotations from the Plan or other sources of policy guidance.
- E. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication which is already before the Examination – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Anyone submitting appendices should indicate in their statement which parts they are relying upon.
- F. Please send an electronic copy (via email) and **two** paper copies (unbound and hole punched) of your statements to the Programme Officer by the deadline. However, if you do not have access to the internet/email or you wish to include appendices that cannot be easily sent by email, the paper copies must be received by the deadline specified in the Guidance Note and on the website.
- G. If you have any queries about the submission of hearing statements please do not hesitate to contact the Programme Officer.

## Draft Programme for Hearing Sessions

Any comments on this draft programme, and any requests to appear and be heard by the Inspector at one or more of the sessions, must be received in writing by the Programme Officer by **Friday 11 August 2017**. Detailed issues and questions relating to the matters listed below will be published during the week commencing 21 August 2017.

### ***w/c 9 October 2017***

- Plan-making process and legal and procedural requirements (including duty to cooperate, public consultation, sustainability appraisal and HRA).
- Development strategy (DS1, DS2 and DS3, principal settlements, need for a strategic site and options considered, and development boundaries).
- Site selection process (including accessibility of facilities and services, landscape, heritage assets, flood risk, etc).
- Infrastructure requirements (SA1, SA2, SA3, INF1 and INF2).
- Housing need and requirements.

### ***w/c 16 October 2017***

- Housing supply for plan period.
- Chesterton strategic site (S2 and Appendix B).
- Non strategic housing allocations (by settlement) (S1 and S4-S19).
- Windfalls.
- Five year supply.

### ***w/c 13 November 2017***

- Housing mix and tenure (H1), including viability implications of policy requirements.
- Affordable housing (H2), including viability implications of policy requirements.
- Rural exception housing (H3), housing for older people (H4), and rural workers dwellings (H5 and H6).
- Gypsies and travellers accommodation (H7).
- Employment sites (EC1-EC3).
- Special policy areas (EC4) and Cotswold Airport (SP2).
- Rural economy and tourism (EC5, EC6, EC10 and EC11).

### ***w/c 20 November 2017***

- Town centres and main town centre use development (EC7, EC8, EC9, S1, S2, S3A and S3F).
- Built and historic environment (EN2, Appendix D and EN10-EN13).
- Local greenspace (EN3), green infrastructure (INF7), landscape (EN4-EN7), and biodiversity (EN8 and EN9)
- Transport (INF3-INF6).
- Renewable energy (INF10).
- Any other matters.

### ***w/c 4 December 2017***

- Reserve day(s) for Local Plan matters
- CIL draft charging schedule.

The first hearing session in each week will normally start on Tuesday morning and the last on Thursday afternoon. Sessions will normally run from 09.30 until 13.00 and from 14.00

until 17.00, but this will be at the discretion of the Inspector who will conduct proceedings each day to ensure maximum efficiency. Participants will be asked to introduce themselves at the start of each hearing session, and all will be given the opportunity to speak.