

Harlow Local Development Plan Examination

Examination Guidance Note

1.0 INTRODUCTION

- 1.1 This note has been prepared by David Reed BSc DipTP DMS MRTPI who has been appointed by the Secretary of State for Housing, Communities and Local Government to carry out an independent examination of the Harlow Local Development Plan (HLDP). The note provides guidance to participants who wish to be involved in the examination process.

2.0 PROGRAMME OFFICER

- 2.1 The Programme Officer for the examination is Andrea Copsey, who works independently of the Council under my direction. Andrea is responsible for organising the administration of the examination and acting as a channel of communication between myself, the Council and interested parties to ensure its smooth running. Andrea is also responsible for ensuring that documents are circulated to the parties as required, the document library is maintained and ensuring the examination section of the Council's website is kept up to date.
- 2.2 Any procedural or other matters that you wish to raise during the examination should be raised through Andrea whose contact details are as follows:

Andrea Copsey
Programme Officer
Harlow Local Development Plan
PO Box 12607
Clacton-on-Sea
Essex
CO15 9GN

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3.0 THE SCOPE AND PURPOSE OF THE EXAMINATION

- 3.1 The purpose of the examination of the HLDP is to determine whether it satisfies the legal requirements under the 2004 Act and associated regulations, whether the Council has complied with the duty to co-operate and whether the plan is sound. To be sound the plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted a plan (the May 2018 publication version) that it believes to be sound.
- 3.2 In relation to national policy, the plan will be examined against the policies in the 2012 version of the National Planning Policy Framework and Planning Practice Guidance as at July 2018. The plan was submitted on 19 October 2018 and consequently the transitional arrangements in paragraph 214 of the 2018 NPPF apply.
- 3.3 The Council has prepared a 'schedule of minor modifications' (document HSD19) to the submitted version of the plan but these do not form part of the plan being examined at this stage. These changes suggested by the Council will be considered during the examination and may be taken forward in due course.
- 3.4 All written representations made on the submitted version of the plan will be taken into account, but my report will not deal with every point that has been made. The examination relates solely to legal requirements and the soundness of the plan and as such only these

matters will be covered in my report. The Council and other parties who are seeking changes to the plan (i.e. those who have made an objection) will have the opportunity to put forward suggested changes to the submitted plan during the examination, and these will also be taken into account. It is important to stress however that the written evidence already submitted carries as much weight as verbal evidence given at the hearing sessions.

- 3.5 Those who have made representations supporting the plan do not have a right to attend the hearing sessions. The Council has submitted the plan for examination and can be expected to be able to explain and support its provisions. It is not therefore necessary for those who support the plan to attend the examination hearing.
- 3.6 The examination will end when my report is submitted to the Council. The potential outcomes for the examination are:
- (a) The Council has complied with the duty to co-operate, the plan satisfies the legal requirements and is sound. In this case I would recommend that the plan be adopted without modification.
 - (b) These requirements have not been met and it would not be possible to further modify the plan to make it legally compliant/sound. In this case I would recommend that the plan be withdrawn. It would not be possible to correct a failure of the duty to co-operate.
 - (c) The submitted plan does not satisfy the legal requirements or is unsound in some way, but with further modifications these matters could be addressed. In these circumstances the Council has asked me to recommend modifications to make the plan legally compliant/sound so that it can be adopted.
- 3.7 Any modifications I recommend would be limited to those required to address matters of legal compliance or soundness. These would be known as 'main modifications' and would be published for public consultation prior to being finalised.
- 3.8 The Council may make further minor modifications prior to adoption provided these do not materially alter the policies of the plan. This would be a matter for the Council with such minor changes not being considered during the examination or forming a part of my report.

4.0 THE HEARING SESSIONS

- 4.1 From my reading of the plan, its supporting documentation and the representations received, a series of matters and questions have been identified that require discussion during the examination hearings. These are set out in the accompanying document together with a preliminary timetable for the hearing sessions. The hearing sessions will take the form of a round table discussion, led by me, during which the Council and other participants will be invited to put forward their views and to elaborate upon their written submissions. Whilst the hearing sessions will be open to the public, only participants who have been invited – those who have made representations on the matter under discussion – will be allowed to speak. A full opportunity to contribute on relevant matters will be given to participants but there will also be a need to use hearing time efficiently.
- 4.2 The hearing sessions will commence at 10.00 am on Tuesday 26 March 2019 and then in accordance with the subsequent timetable at the following venue:
- Civic Centre
The Water Gardens
Harlow
CM20 1WG
- 4.3 Morning sessions will last from 10.00 am to about 1.00 pm, and afternoon sessions from 2.00 pm to about 5.00 pm. There will be short breaks mid-morning and mid-afternoon.
- 4.4 The preliminary timetable for the hearing sessions has been circulated with this note, but it may well be necessary to amend this in the light of the number of participants who wish to take part

or for other reasons. Whilst the Programme Officer will endeavour to keep people informed of any changes, it is the responsibility of participants to keep in contact and ensure they attend the appropriate sessions. The participants for each session will be those who made relevant representations on the HDLP and who have confirmed to the Programme Officer that they wish to speak.

- 4.5 **All those who wish to speak at the hearing sessions should confirm this in writing to the Programme Officer by 5.00 pm on Wednesday 6 March, stating clearly which session or sessions they wish to attend.** This includes confirmation from those who indicated in their initial representations that they wish to participate. Please refer to the matter number and your respondent reference number. **In the case of Matters 6 and 7, participants should also advise which sites or policies they wish to discuss.**
- 4.6 If you do not contact the Programme Officer by 5.00 pm on Wednesday 6 March it will be assumed you do not wish to speak at the hearings and will rely on your written submissions. A finalised timetable and list of participants will be circulated prior to the hearing sessions and only those on the list will be allowed to speak.
- 4.7 Where several individuals or groups have made similar representations on a topic they are encouraged to appoint a common representative to avoid unnecessary repetition or duplication.
- 5.0 THE EXAMINATION LIBRARY AND AVAILABILITY OF DOCUMENTS
- 5.1 All documents associated with the examination are available on the Council's website and this will be kept up to date. The Council has produced a range of background papers and supporting documentation and these are available together with a consultation statement including the representations made on the May 2018 version of the plan. The Council has now prepared a response to all the representations received (EX0004) which is published on the website and may assist participants.
- 5.2 The latest hearing timetable and list of participants will be on the website, together with any further documents prepared to assist the examination, the hearing statements submitted by participants and any correspondence between the Inspector and the Council. An initial letter from the Inspector dated 14 December 2018 (EX0001) seeking clarification of certain matters and the Council's response (EX0002 & 3) are already on the website. The Council has also recently published three new documents relating to the Harlow and Gilston Garden Town including the Vision and Design Guide documents referred to in certain policies.
- 5.3 If you have any difficulties accessing the website please contact the Programme Officer or the Council. A set of paper copies of the examination documents is available for inspection at the Council offices prior to the hearings and then at the venue during the hearing sessions.
- 6.0 THE SUBMISSION OF HEARING STATEMENTS AND FURTHER MATERIAL
- 6.1 The Council is asked to provide a full written response to all the matters and questions, addressing all the key points raised by representations. These should include specific references to supporting evidence or existing documents as necessary.
- 6.2 Other participants may, if they wish, submit written statements addressing the matters and questions for the sessions they are attending to reinforce their existing representations. However, there is no requirement to do this and participants may rely on the submissions already made. There is no need to repeat points already made. Any statements should be succinct and there is no need to include extracts from the plan or examination documents as references will suffice. Appendices should be kept to a minimum. Those not participating in the hearings may also submit statements addressing the matters and questions.
- 6.3 The written statements should be submitted to the Programme Officer. For both the Council and other participants, **the deadline for the receipt of written statements is 5.00 pm on**

Wednesday 6 March. The person or body submitting the representation should make it clear which specific matter and question is being addressed, **with a separate statement for each matter.** Those commenting on several matters should not combine them into a single statement. Three paper copies and an electronic copy should be provided. In order for the hearing sessions to proceed as planned, late statements will not be accepted. Statements will be posted on the examination website and thus made available to other participants and other interested persons.

6.4 No further opportunity will be provided for additional statements or further documentation unless this is specifically requested. In particular, there is no scope to produce rebuttal statements responding to the views of other participants and no opportunity for further statements or written information to be submitted at the hearing sessions.

7.0 SITE VISITS

7.1 I will familiarise myself with the area and visit key sites before, during and after the examination. These will generally be on an unaccompanied basis, but if there is a need to visit private land or be accompanied by the Council and other interested parties the necessary arrangements will be made through the Programme Officer.

8.0 SUMMARY/KEY POINTS

- The matters and questions paper sets out the key questions for consideration during the examination
- The hearing sessions will begin at 10.00 am on Tuesday 26 March 2019
- A preliminary timetable has been published for the hearing sessions
- All those who wish to speak at the hearing sessions must confirm this in writing to the Programme Officer by 5.00 pm on Wednesday 6 March 2019
- A finalised timetable and list of participants for the hearings will be confirmed in due course
- Participants who wish to submit further written statements to address the matters and questions should do so by 5.00 pm on Wednesday 6 March 2019
- All documentation relevant to the examination is available on the Council's website
- Any queries should be directed to the Programme Officer – Andrea Copsey

David Reed

INSPECTOR

4 February 2019