

# DERBYSHIRE DALES LOCAL PLAN EXAMINATION

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## GUIDANCE NOTE FOR THOSE PARTICIPATING IN THE EXAMINATION

### Introduction

1. I am Mark Dakeyne, a Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Derbyshire Dales Local Plan.
2. The Programme Officer (PO) for the examination is Carmel Edwards. Her contact details are given below.

### Purpose of the Guidance Note

3. This note provides guidance on procedural and administrative matters for participants involved in the Examination into the Derbyshire Dales Local Plan.
4. All participants should familiarise themselves with the contents of the note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions.

### The role of the Inspector and PO in the Examination

5. My task is to consider the soundness of the plan. The National Planning Policy Framework (DCLG, March 2012) sets out the criteria for determining soundness - namely that the plan is **Positively Prepared; Justified, Effective and Consistent with National Policy**. The Appendix to this Guidance Note contains a list of useful publications and websites for advice.
6. The starting point is that the Council has submitted what it considers to be a sound plan. I aim to work collaboratively with the Council and the Examination participants in a proactive and pragmatic manner to deliver a positive social, economic and environmental outcome for Derbyshire Dales. However, this does not necessarily mean that the plan will be found to be sound.
7. Following the close of the hearings I shall prepare a report to the Council with my conclusions. The Council has formally requested me to recommend any Main Modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. I will deal with broad issues in my report, and not with each individual representation.
8. Any Main Modifications are likely to need to be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal. Should this be necessary more information will be provided at that stage.
9. The PO works independently of the Council under my direction in connection with the Examination. Carmel can be contacted as follows:  
**Carmel Edwards, Programme Office, Matlock Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN**  
**Tel No: 01629 761175 / Mobile: 07969 631930**  
**E –mail: [programmeofficer@derbyshiredales.gov.uk](mailto:programmeofficer@derbyshiredales.gov.uk)**

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10. The main tasks of the PO are to act as a channel of communication between all parties and myself; to liaise with the parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library up to date. Copies of the Examination documents are on the Council's webpage (see below). Any participant who does not have access to the internet should contact Carmel so that alternative arrangements can be made.
11. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through Carmel. Please let her know if you have any specific needs in relation to attendance/participation at the hearing sessions.

## **Progressing your representations on the plan**

12. At the time of making their representation many representors indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a debate and are seeking a specific change to the plan.
13. A Schedule of Matters and Issues for the Examination and on which the soundness of the plan depends will be prepared shortly having regard to the Council's responses to my preliminary questions. A summary of the likely matters and issues is attached to this note. For each Issue there will be specific questions. These questions are likely to form the basis of the discussion at the hearing sessions and should also be the basis on which written hearing statements, to be submitted in advance of the hearings, are prepared. The hearings are open to all to observe, but only those who have previously made representations relevant to the matters being considered, and have indicated that they want to participate, will be allowed to speak.

## **Dates for Hearing Sessions**

14. The hearing sessions (which are part of the overall Examination) will open on **Tuesday 9 May 2017**, the first week of sessions (Stage 1) taking place on 9, 10 and 11 May. They will take place in the Committee Room, Matlock Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN. Information about further hearing sessions (Stage 2) will be publicised as soon as these have been arranged.
15. The programme indicating the matters to be discussed at each hearing session will be based on the Schedule of Matters and Issues. Information concerning the programme will follow as set out below.
16. Stage 1 of the hearings will deal with matters such as legal and procedural requirements; the spatial strategy; strategic policies; and the housing requirement. Stage 2 of the hearings will deal with site allocations probably on a settlement by settlement basis.

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## The hearing sessions and hearing statements

17. Each matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions and at other sessions several Matters will be discussed consecutively. The hearings will take the form of a roundtable discussion which I shall lead. They will not involve the formal presentation of cases by participants or cross-examination. I shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The Schedule of Matters and Issues will be prepared by mid-March and will form the agenda for each session. **Preparation of statements should not commence until this stage when participants at each hearing will also be confirmed.**
18. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a focussed series of hearings and, in turn, produce a short, focussed report.
19. The Council is required to produce a hearing statement for each of the Matters in which it should seek to answer each of the individual questions set out in the list of Matters and Issues. Other representors may also submit hearing statements on the Matters, Issues and Questions of relevance to their original representation, although it is not a requirement.
20. Hearing statements should be a maximum of 3000 words for each Matter but I anticipate that many will not need to be as long as this. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. Statements should be simply stapled rather than bound.
21. In preparing statements you should only answer the specific questions of relevance to your original representation whilst clearly identifying the number(s) of the question(s) you are seeking to answer. In addition to answering the relevant question(s) where a representor is seeking a specific change to the plan in order to make it sound it would be helpful for suggested wording for the change to be set out in the hearing statement. However, this is only likely to be possible/appropriate for representors seeking a limited and focussed change to the plan. In answering the questions, and insofar as it is relevant, participants may particularly wish to refer to the documents which the Council has submitted to the Examination.
22. One paper copy and an electronic version of each hearing statement in relation to the Stage 1 hearings should be submitted to the PO **by 17:00 on Wednesday 12 April 2017**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted. Apart from these hearing statements no other written evidence will be accepted unless I specifically request it. 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.

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However, anyone who is unable to access them on the webpage may request copies from the PO.

## **The hearing programme**

23. The programme for Stage 1 of the hearings will be finalised and circulated by mid-March. Detailed agendas will be circulated a few days in advance of each hearing. It will also be possible to check the programme, agendas and progress of the hearings on the web site or by contacting the PO, once details are published.
24. There will be a morning and afternoon hearings on each day with sessions likely to start at 09.30 hours and 13.30 hours. Each session will run for about 3 hours although there will be comfort breaks mid-morning and mid-afternoon.

## **The Examination Website**

25. The Examination Library is accessible from the Examination web site: <http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/local-plan-examination/examination-library>
26. This contains Core Documents, the Council's evidence and documents which have been produced during the Examination, including my questions to the Council and the Council's responses. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

## **Site visits**

27. Insofar as I consider it necessary to my assessment of the soundness of the plan I shall visit sites and areas referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land.

## **And finally....**

25. I emphasise:
  - I shall have equal regard to views put orally or in writing;
  - the need for succinctness - please respect the letter and spirit of the 3,000 word limit in hearing statements with only limited and directly relevant appendices;
  - that you must meet the 12 April 2017 deadline for the submission of hearing statement(s) for the Stage 1 hearings;
  - that your hearing statement(s) should focus on answering the questions I pose in the *Schedule of Matters, Issues and Questions*.

*Mark Dakayne*

INSPECTOR

February 2017

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## List of relevant guidance and evidence

### A. Government Policy and Guidance

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Planning Policy Framework
- Planning Practice Guidance

### B. Guidance from the Planning Inspectorate

<https://www.gov.uk/guidance/local-plans>

Procedural Practice in the Examination of Local Plans: The Planning Inspectorate June 2016 (4<sup>th</sup> Edition v.1)

### C. Examination and Evidence Base Documents

The Examination web site can be found at:

<http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/local-plan-examination/examination-library>