

EXAMINATION OF THE COLCHESTER BOROUGH LOCAL PLAN 2017- 2033 – SECTION 2 EXAMINATION

EXAMINATION GUIDANCE NOTE FROM THE INSPECTORS

Purpose of the Guidance Note

1. This note provides guidance to representors involved in the Examination of the Colchester Borough Local Plan 2017–2033.
2. All representors should familiarise themselves with the contents of the note, in particular those who wish to submit further statements and/or take part in the hearing sessions. An additional note relating to virtual hearings will be provided in due course.

Dates for Hearing Sessions

3. The hearing sessions (which are part of the overall Examination) will take place between **Tuesday 20 April 2021 and Friday 30 April 2021**.
4. The Stage 2 hearing sessions will be held virtually using 'Zoom'. A full programme of the sessions can be viewed separately in the Hearings Programme.
5. 'Zoom' is an online video conferencing systems that allow virtual meetings to be held. The use of this technology allows us to progress with the Local Plan hearings despite the restrictions imposed by Covid-19. Therefore, you will be able to take part at home or from a safe place.
6. Each day will be split into three approximate 1.5-hour sessions. A draft programme indicating the matters to be discussed on each day is attached to this note although you should be aware that it may change. Details concerning the finalised programme are set out below.

The Inspectors' role in the Examination

7. Our task is to consider the soundness of the plan, i.e. the **Colchester Borough Local Plan 2017–2033**. This document was the subject of [Regulation 18] consultation in an earlier format between 9 July 2016 and 8 September 2016, and in its modified, current format between 16 June 2017 and 11 August 2017. In examining the Plan we will have regard to the representations submitted in response to both of these rounds of consultation.
8. 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**. On 24 July 2018¹

¹ Revised February 2019

the Ministry of Housing, Communities and Local Government published a revised version of the *National Planning Policy Framework*. However, paragraph 214 of the revised document states that the previous Framework [ie that of March 2012] will apply for the purposes of examining plans where [as is the case with the Colchester Borough Local Plan 2017-2033] the plan was submitted for examination on or before the 24 January 2019.

9. We aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the Borough. However, this does not necessarily mean that the plan will be found to be sound.
10. Following the close of the hearings we will prepare a report to the Council with our conclusions. The Council has formally requested that we recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. We will deal with broad issues in our report, and not with each individual representation.
11. Any main modifications we consider are likely to be necessary for the plan to be sound will be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal and updated Habitats Regulations Assessment. Should this be necessary more information will be provided at that time.

The Programme Officer

12. The Programme Officer (the PO) for the Examination is Andrea Copsey who works independently of the Council under our direction in connection with the Examination. Mrs Copsey can be contacted as follows:

Andrea Copsey
Examination Office,
PO Box 12607,
Clacton-on-Sea,
CO15 9GN

Tel 07842 643988

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13. The main tasks of the PO are to act as a channel of communication between all parties and ourselves; to liaise with the parties to ensure the smooth running of the Examination and to ensure that all documents received are recorded and distributed. Copies of the all Examination documents are available on the Examination Website:

[Colchester Local Plan · Colchester Borough Council](#)

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 and 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

15. **In examining the Plan we will give the same weight to written representations as to those made orally at hearings sessions.**
Consequently, participation at a hearing session is only necessary if, in the light of the list of *Matters, Issues and Questions for the Examination*, you have relevant points to contribute to the discussion.
16. Accompanying this note is a list of Matters, Issues and Questions for the Examination. We have identified 20 Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions will form the basis of the discussion at the hearing sessions and should also be the basis on which any further written statements, to be submitted in advance of the hearings, are prepared.
17. The hearings are open to all to observe, but only those who previously made representations relevant to the matters being considered in response to previous consultations on the plan, and who register a request to participate, will be allowed to speak. If you are in doubt as to which Matter your representation relates to please contact the PO to discuss this.
18. Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them, and who wishes, to participate in a hearing session should register their interest in doing so with the PO by **Tuesday 6 April 2021**.

The hearing sessions and further statements

19. Each Matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions. The hearings will take the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. We shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters, Issues and Questions will form the agenda for each session.
20. The hearings will be inquisitorial, rather than adversarial. We 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 we will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.
21. The Council is required to produce a further statement for each of the 20 Matters in which it should answer all of the individual questions set out in the list of Matters, Issues and Questions.
22. Whilst it is not a requirement, other participants (those who submitted representations as part of the previous consultations either in support of or objection to the plan) can also submit further statements, but only on the questions of relevance to their original representation.
23. Further statements should be a **maximum** of 3000 words for each Matter and we anticipate that many will not need to be as long as this, particularly those addressing only a small number of questions. 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. The word limit does not apply to the Council because it is required to answer every question, although we would encourage it be as concise as possible, providing references to specific sections of the already submitted evidence wherever relevant. Statements should be simply stapled rather than bound.

24. In preparing statements you should:

1. **only** answer the specific question(s) of relevance to your original representation, whilst clearly identifying the number(s) of the question(s) you are seeking to answer;
2. compile a separate statement for each Matter; and
3. have regard to the evidence submitted by the Council available on the Examination Website.

In turn, in answering each question the Council should have regard to the representations made on the plan of relevance to that question.

Whilst they are not specifically invited, Statements of Common Ground between Examination participants on issues of direct relevance to the matters under examination will also be accepted.

We are examining the plan as submitted by the Council. Therefore, we will not, at this stage, be considering the merits for development of sites for development not included in the plan ("omission sites"). Should we determine that there is a need for additional or different sites to be allocated, we will, in the first instance, ask the Council to consider how it would wish to proceed with the Examination.

25. Two paper copies and an electronic version of each further statement (and any Statements of Common Ground) should be submitted to the PO by **Tuesday 6 April 2021**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted.
26. Aside from these further statements (and any Statements of Common Ground) no other written evidence will be accepted unless we specifically request it. All 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 on the webpage may request copies from the PO.

The hearings programme

27. An initial programme for the hearings is attached. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
28. The hearings sessions will normally run between 0930 and 1600 and will take the form of 3 separate sessions of around an hour and a half.

Site visits

29. Insofar as we consider it necessary to our assessment of the soundness of the plan we will visit sites and areas referred to in the representations before, during, or after the hearings. We will do these on an unaccompanied basis other than in the, relatively unlikely, event that we find that we need to go on to private land.

Finally ...

30. We emphasise:

- We shall have equal regard to views put orally or in writing;
- the need for succinctness; please respect the letter and spirit of the 3000-word limit in further statements with only limited and directly relevant appendices;
- that your hearing statement(s) should focus on answering the questions we have posed in the *Matters, Issues and Questions*;
- that you must meet the **Tuesday 6 April 2021** deadline to advise the PO of your wish to participate in a hearing session; and
- that you must meet the **Tuesday 6 April 2021** deadline for the submission of further statements in paper and electronic form.

Please make the best use of the remaining time before the start of the hearing sessions to prepare for fully participating in the 'round table discussions' and we look forward to meeting everyone in April 2021.

Jameson Bridgwater and Anne Jordan
INSPECTORS