



The Planning  
Inspectorate

## **Fenland Local Plan Core Strategy Examination**

### Inspector's Initial Comments / Questions

I have now substantially completed my initial preparatory work and, as I have already advised the Programme Officer (PO), I see no reason to hold a Pre-Hearings Meeting in respect of this Examination.

The examination will centre on the main issues that go to the heart of the Local Plan, having regard to the requirements of legal compliance, the four soundness requirements (that the Plan is positively prepared, justified, effective and consistent with national policy) and whether the duty to co-operate has been met.

### Hearing sessions

A date for the Hearing sessions is yet to be confirmed. Please note that the hearing start date will need to be advertised at least 6 weeks in advance of it commencing (regulation 24 (1)).

I will define the matters and issues relevant to the soundness of the document which will provide the focus for the hearings. Hearing sessions are based on the definition of matters and issues and are not driven by representations. I will be circulating a Matters and Issues paper (for comment) and a draft Hearings Programme in due course.

I will produce an initial Guidance Note for participants to outline the procedures to be used at the examination, and what is expected at the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. There is no formal presentation of evidence or cross-examination; the procedure is an inquisitorial process, with the Inspector asking questions based on the Matters and Issues identified for Examination. The Council and representors will have the opportunity to provide responses to the Inspector's Matters and Issues, to be submitted approximately 2-3 weeks before the hearings commence. There is no need for any legal representation, but lawyers are welcome as a member of a team.

### Representations

Copies of the representations should be displayed on the Council's web site in an electronic form. The Council has to decide whether the representations are "duly-made", and also has to accept whether to accept late representations. Late representations which are not formally accepted by the Council are not forwarded to the Secretary of State and the Inspector does not consider them. Please note that the Inspector has no discretion to accept late representations.

## Database

I understand that the Programme Officer has access to the Council's database of representations, with all relevant details of the representations and representors. A key element is an indication of which representors have made comments on each policy / paragraph of the Core documents, together with a list of those who request an oral hearing. The Programme Officer will need to produce a schedule of the representations, indicating who wishes an oral hearing or is content with written representations on a policy-by-policy basis. It would be helpful if the database is self contained; i.e. only includes those who have made representations at submission stage (including the addendum), rather than earlier in the plan process.

*Could you please provide me with a list of those who wish to be heard?*

## Initial Questions to the Council

### Meeting with representors / Statements of Common Ground

**Q1.** The Inspector notes that a Statement of Common Ground is to be prepared between the Council, the Highways Agency and other highway authorities.

*(a) When is this likely to be available?*

*(b) Is it the Council's intention to have any further discussions with representors? If so, could the Council please confirm when any statements are likely to be completed?*

## Core Evidence base

The Inspector has received the Core Submission Documents and notes the availability of other Evidence-based Documents.

**Q2.** *Is any other substantial work / reports likely to be undertaken for the examination, and if so, what is the timetable for such work?*

A link to all the Submission and Evidence-based Documents should also be provided on the Council's web-site.

## Dealing with Changes to the Local Plan

The starting point for the Examination will be the Submission Version of the Local Plan that was the subject of public consultation in Feb – April (Proposed Submission Draft) and June – August 2013 (Proposed Submission Addendum) (i.e. CD001 - the Submission Version dated September 2013).

In considering any proposed changes, I will need to take a view whether any are required for soundness/legal compliance reasons. As you will be aware, in order for me to make such 'main modifications', the requirements of section 20 (7B) and 7(C) must be met. You would need to formally notify me as to whether you wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended). Such proposed main modifications should, where appropriate, be subject to the same process of publicity and opportunity to make representations as the Plan.

In the absence of a formal request under section 20(7C), my report would be confined to identifying any soundness or legal compliance failures in the Plan and, if there are such failures, recommending non-adoption of the Plan.

**Q3.** *Please give an indication of the Council's position on main modifications?*

This would be advantageous to the efficiency of the examination process and the expectation of participants. Deferring a decision to request modifications until a late stage of the examination may risk both time delay and incur additional examination costs.

Minor modifications that do not go to the question of soundness or legal compliance can be made by the Council on adoption. If the Council consider that changes are minor then it does not need to subject them to the formal examination process. The local planning authority will be accountable on adoption for the scope of these minor changes.

#### Duration of Hearings

**Q4.** *Given the number of representors who wish to be heard and the issues raised, how many days do you anticipate will be required for the Hearing sessions?*

A response to these questions by 2 October 2013 would be appreciated.

Claire Sherratt  
Planning Inspector

24 September 2013