WEALDEN DISTRICT COUNCIL AFFORDABLE HOUSING DELIVERY LOCAL PLAN EXAMINATION

BRIEFING NOTES

1 EXAMINER

The Examiner is Jameson Bridgwater PGDipTP MRTPI.

2 PROGRAMME OFFICER

The Programme Officer [PO] is Lynette Benton. For the purposes of the examination she acts as an **impartial** officer of the Examination, under the Examiner's direction, and not as an employee of the Council.

Details of **how to contact her** up to and during the examination hearings are set out at the end of these notes. Her principal functions are to:

- **liaise** with all parties to ensure the smooth running of the examination.
- ensure that all the **documents** received before the hearings are recorded and distributed.
- maintain the Examination **Document list.**
- **assist the Examiner** with all procedural and administrative matters.

She will **advise** on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to the Examiner for a reply, if necessary, but carries his authority to act in accordance with the regulations.

3 HEARINGS

The hearings will commence at 1000 on **Monday 11 January 2016** at the Hailsham Civic Community Hall, Vicarage Lane, Hailsham, BN27 2AX.

4 SCOPE OF THE EXAMINATION AND EXAMINER'S ROLE

The role of the Examiner is to consider whether the Plan meets the requirements of the 2004 Planning and Compulsory Purchase Act and associated Regulations against the **tests of soundness** set out in paragraph 182 of the National Planning Policy Framework, which is referred to as the NPPF or *the Framework*.

The 4 tests of soundness that the Examiner has to consider are whether the plan is:

Positively prepared - Based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development

Justified - The most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence

Effective - The plan should be deliverable over its plan period, which implies flexibility and ability to be monitored

Consistent with national policy - The plan should enable the delivery of sustainable development in accordance with the policies of *the Framework*

The Council have submitted what they consider to be a sound plan, as the NPPF requires. Therefore, **those seeking changes to the Plan have to demonstrate that it is not sound, together with the changes required in order to make the Plan sound.**

5 PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the Examination the Council will be asked formally:

Can the Council confirm that the Plan has been prepared in accordance with:-

- The **Local Development Scheme**.
- The **Statement of Community Involvement** and public consultation requirements.
- Subjected to a **Sustainability Appraisal**.
- **National policy**.
- Prepared in general conformity with the Wealden Core Strategy Local Plan.

6 PROCEDURE PRIOR TO THE OPENING OF THE HEARINGS

The Examination Hearings will be progressed in an **effective and efficient** manner, with a tight rein on the discussions and time taken. As part of that process the amount of written material should be limited to that submitted in response to the Council's consultations for the Examiner to come to informed conclusions on the issues. A **short, focussed**, series of hearings should lead, in turn, to a short, focussed, report.

Those who have made representations on the Plan within the relevant time period ["representors"] should have already decided whether their views have been adequately expressed in **written form** or whether they wish to also present them **orally** at a hearing session. Both methods will carry the same weight and the Examiner will have equal regard to views put orally or in writing.

Attendance at a hearing session will only be useful and helpful to the Examiner if participants can engage in a debate. Anyone participating in a hearing session must confirm attendance at the hearings by **Wednesday 6 January 2016** so arrangements can be finalised. Please indicate specifically which hearing matter/which part of your representations you wish to discuss.

The Examiner considers that there is no requirement for **further written submission** and that the information already submitted as part of the Council's consultation process along with the oral representations will enable all areas to be fully examined.

7 THE EXAMINATION ARRANGEMENTS AND PROCEDURE

The draft programme indicates that the hearing will on one day only.

A short break will be taken mid morning and mid afternoon, with around an hour for lunch from about 1300 and a finish no later than about 1700. Water, tea and coffee are provided. Mobile phones and similar devices need to be switched off when the Examination is in session [they may be used during breaks].

A separate session will be held on **each issue** identified in the programme and all sessions are open to the public and the press to observe.

The sessions will take the form of **Round Table/Informal Hearing Sessions**, where several parties are present. This approach will provide an informal setting for dealing with issues, by way of a discussion led by the Examiner. There will normally be **no formal presentation** of evidence or cross-examination.

Those attending may bring professional advocates, but there is usually only space at the table for one representative of each group, organisation or company [apart from the Council who have two seats], though there is no objection to the representative changing if notified to the Examiner and others present at the time.

Advocates/legal representatives take part as a normal participant/member of a team, rather than in a traditional advocate's role, as no cross examination or opening/closing statements will normally be permitted.

The discussion will focus **on the issues in the programme** and any additional points arising from the written submissions in response to the Council's final consultation.

Those present will be asked to introduce themselves. The Examiner may then make a **brief statement** as to his understanding of the issues under discussion and then **invite participants** to make their contribution in response to the points raised starting usually, but not exclusively, with the Council.

The hearing will then progress with the Examiner drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to a decision on the relevant matters. There should be opportunities within the discussion to ask questions of the other parties, with the Examiner's approval, and all involved may join in the discussion, when invited to do so.

8 SITE VISITS

The Examiner will visit relevant parts of the area, unaccompanied, if necessary.

9 CLOSE OF THE EXAMINATION

Once all the information necessary to come to reasoned conclusions and decisions on the issues have been gathered by the Examiner, he will write the Report. The Examination itself **remains open** until this is submitted to the Council. However, once the hearing sessions part of the Examination is completed the Examiner can receive **no further information** from any party, unless it is a matter on which he specifically requests. Any unsolicited items sent in will be returned.

10 SUBMISSION OF THE REPORT TO THE COUNCIL

The report should be submitted to the Council during February/March 2016.

11 EXAMINATION PROGRAMME

The purpose of the issues listed for each session is **to focus attention** where the Examiner is seeking a fuller understanding of the comments and respective positions. If you think that a programme or issue **change** should be made, please inform the PO without delay, but with reasons, and the Examiner will consider it.

12 CLOSING REMARKS

The Examiner urges everyone to:

- 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'.

- Ensure that the timescales and deadlines are adhered to; otherwise examination attendance may have to be rearranged or curtailed at best.

- Be aware of the Examination Documents, the supporting evidence and any other relevant material produced by the Council.

- Keep looking at the website and/or in contact with the PO.

The Examiner looks forward to meeting everyone in January 2016.

Lynette Benton
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