

Local Plan Update: Examination process

Summary: This report provides a general update on progress of the Local Plan and seeks delegated authority for the Planning Policy Manager in consultation with the Planning Portfolio holder to respond to the Inspectors questions prior to and during the examination hearings.

Recommendations: **1. Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet that delegated authority is given to the Planning Policy Manager in consultation with the Planning Portfolio Holder to respond to the Inspectors questions prior to and during the Examination hearings.**

Cabinet Member(s) Cllr Andrew Brown	Ward(s) affected All
All Members	All Wards
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1. Background

- 1.1 The North Norfolk Local Plan has been submitted for Independent Examination. Inspector David Reed has been appointed to examine the Plan and will be supported by a Programme Office, Annette Feeney, who will be responsible for organising the procedural aspects of the examination on behalf of the Inspector.
- 1.2 The examination includes, but is not limited to, one or more public hearing sessions, at which interested parties will be given the opportunity to explain their respective positions. The timetable for these hearings is a matter to be determined by the Examiner and may take place in a single block or over several weeks depending on issues to be considered.
- 1.3 Prior to these hearing sessions taking place the Inspector will produce a ‘Matters, Issues, and Questions’ document which will form the basis of the programme for the hearings. As a precursor to this the Inspector has, and will likely continue to, seek clarification and updates in order that the hearings can proceed without undue delay.

1.4 A Local Plan web page has been set up where all documents associated with the examination will be posted. [Home | Local Plan Examination \(north-norfolk.gov.uk\)](http://www.norfolk.gov.uk)

1.5 On the 26th of June the Inspector wrote to the Authority seeking additional information in relation to a number of initial matters (Attached as Appendix A for information). These are largely technical matters relating to the period covered by the Plan, housing targets and five-year supply, together with the legal requirements and potential impacts of Nutrient Neutrality.

2. Responding to the Inspector and representation at the hearings

2.1 It is likely that the Inspector will ask a succession of questions leading into the formal hearing sessions. The hearings themselves will take the form of structured discussions framed around the Inspectors Issues, Matters and Questions. The Inspector will seek the Authorities view including in relation to the need for further modifications to the Plan to correct any soundness concerns. Officers will need to offer immediate responses either at the hearing session, or shortly thereafter.

2.2 The council can be represented at the Hearings by anyone employed or appointed by the Authority to provide evidence. Legal representation is permitted but is largely discouraged unless substantive legal issues are raised. It is currently anticipated that staff from the Planning Policy Team will represent the Council with the option to call on our consultants who prepared various aspects of the supporting evidence. The Hearings are held in public and are open to anyone to attend but only those that have registered are invited to speak.

2.3 There is a strong likelihood that the Inspector will ask what the Authorities position would be if the Plan was modified. In such cases the role of officers would in the first instance be to defend the submitted Plan and explain why it is sound and modification is not required. Nevertheless, the Council will be required to provide a response on potential changes. This report seeks delegated authority to enable officers to provide such responses.

3. Recommendations

- 1. Members of the Planning Policy & Built Heritage Working Party recommend to Cabinet that delegated authority is given to the Planning Policy Manager in consultation with the Planning Portfolio Holder to respond to the Inspectors questions prior to and during the Examination hearings.**

4. Legal Implications and Risks

4.1 The Council must produce a Local Plan which complies with various regulatory and legal requirements and in determining its policy approaches must be

justified and underpinned by up to date and proportionate evidence, be informed by appropriate sustainability appraisals and take account of and demonstrate how public feedback, national policy & guidance have been used to inform the production through the application of a consistent methodology.

- 4.2 The statutory process requires plan production to accord to the statutory requirements as set out in The Town and Country Planning (Local Planning), (England) Regulations 2012 (as amended). Failure to undertake Plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.
- 4.3 There remains a residual risk of planning reform which, could undermine the production of the Plan to date through the proposed white paper along with further changes to the National Planning Policy Framework, either through incremental changes or substantive changes leading to wholesale replacement. Early submission reduces the risks associated with changes in government policy and puts the authority in a stronger position to take advantage of any subsequent transitional arrangements should they be introduced. If production is extended there remains an increased risk of early Plan review, further evidence gathering and substantial time and costs along with increased pressure and challenge on the continued use of existing adopted policies.

5. Financial Implications and Risks

- 5.1 Failure to undertake plan preparation in accordance with the regulations is likely to render challenge and result in less weight being given to the evidence documents and would result in further officer resources and associated costs. If production is extended there remains an increased risk of early Plan review and substantial costs along with increased pressure and challenge on the continued use of existing adopted policies

Appendix 1 – Inspectors Initial questions