

Folkestone and Hythe District Core Strategy Review Examination

Inspectors' Guidance Notes 21 May 2020

1.0 Introductions

- 1.1 We are Philip Mileham BA (Hons) MA MRTPI and Kevin Ward BA (Hons) MRTPI, the Inspectors appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the Folkestone and Hythe District Core Strategy Review. We shall refer to the document as "the Core Strategy Review" during the examination.

- 1.2 Caroline Williams is the Programme Officer for the examination, working under our direction independently from the Council. She is responsible for organising the administration of the examination, maintaining the document library, ensuring that all documents received are distributed, and acting as the channel of communication between ourselves, the Council and those taking part in the examination. She is the first point of contact for those with queries about the process.

The Programme Officer's contact details are:

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2.0 The scope and purpose of the examination

- 2.1 The purpose of the examination of the Core Strategy Review is to determine whether it satisfies legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations, whether the Council has complied with the duty to co-operate and whether the Core Strategy Review is sound. To be sound the Core Strategy Review must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted what it considers to be a sound plan.

- 2.2 The basis for the examination is the submitted Core Strategy Review document dated February 2020 (EB 01.00). This incorporates the Submission Draft document published for consultation in January 2019 (EB 01.40) and the consultation document on amendments to policies and text relating to housing supply published in December 2019 (EB 01.30). Any main modifications which we subsequently recommend will be modifications to the submitted Core Strategy Review document.

- 2.3 We will take account of any main modifications suggested by the Council or others during the examination. Ultimately, if we conclude that main modifications are necessary for soundness or legal compliance we will include them as recommendations in our report to the Council.
- 2.4 The Council would be able to make any other “additional modifications” to the Core Strategy Review prior to adoption, provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Council, we will not be considering such additional modifications during the examination and they will not form part of our report.
- 2.5 We will consider all of the representations made on the Core Strategy Review (Submission Draft document published in January 2019 and consultation document on amendments to policies and text relating to housing supply published in December 2019) insofar as they relate to legal requirements or matters of soundness. We are not required to report on every point made however. In some cases, the issues we have identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the Core Strategy Review (an objection) has a right to make their case in person at the hearing sessions, if they have indicated their wish to do so. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.
- 2.6 Those who have made representations supporting the Core Strategy Review do not have a right to participate at the hearing sessions. The Council has submitted the Core Strategy Review for examination and we expect it to be able to set out and justify its own position. We do not consider it necessary for those who support the Core Strategy Review to participate in hearing sessions.
- 2.7 The examination will close when our report is submitted to the Council. The potential outcomes of the examination are that:
- a) We consider that the Council has complied with the duty to co-operate, the Core Strategy Review satisfies legal requirements and it is sound – We would recommend that the Core Strategy Review is adopted and give reasons for this.
 - b) We consider that the Council has not complied with one or more of the above requirements – We would recommend that the Core Strategy Review is not adopted and give reasons for this.
 - c) We consider that the Council has complied with the duty to co-operate but that the Core Strategy Review does not satisfy legal requirements and/or is not sound and the Council has asked us to recommend main modifications to address matters of legal compliance and/or soundness – we would make such recommendations.
- 2.8 It is important to stress that we would not be able to rectify non-compliance with the duty to co-operate. The Council has asked us to recommend main modifications to address matters of legal compliance and/or soundness.

2.9 Those main modifications recommended by us to address soundness or legal compliance issues would be subject to public consultation and sustainability appraisal prior to our report being finalised.

3.0 Matters, Issues and Questions, hearing sessions and the impact of Coronavirus (Covid-19)

3.1 We have identified a number of matters and issues which we consider need to be explored during the examination. These are set out in the Matters, Issues and Questions document circulated with these guidance notes. This sets out a number of specific questions that will need to be addressed. The hearing sessions will allow us to explore these matters and issues further with the Council and other participants, taking into account relevant representations made and any additional statements which we request. We will lead a discussion asking questions of the Council and allowing other participants to contribute as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. The hearing sessions will be open to the public to observe but only those invited participants will be able to speak. An agenda for each hearing session will be circulated to participants in advance.

3.2 At this stage in an examination we would normally expect to set the date for the opening of the hearing sessions and a specific timetable for each session. Given the Coronavirus (Covid-19) pandemic and the public health safeguarding and social distancing measures in operation, the hearing sessions cannot currently take place in the form envisaged and we are unable to confirm a date when they will. We will keep this situation under regular review and liaise with the Council as the situation evolves. It is our intention to progress the examination hearings as soon as it is safe and practical to do so.

3.3 The Planning Inspectorate is investigating alternative options for progressing public events, including Local Plan examination hearings during the current situation and in the near future. This includes the potential for the use of remote/virtual hearing sessions using video conferencing. We are keeping this situation under review and again will liaise with the Council as to the approach to hearing sessions. The Council's website has a link to the guidance from the Planning Inspectorate on this issue.

3.4 There must be notification of the opening of the hearing sessions at least six weeks in advance. Once we are in a position to confirm the date for the start of the hearing sessions, the necessary notice will be given. Further guidance as to the arrangements for and format of the hearing sessions will be issued at that point.

3.5 The participants for each session will be those who made relevant and valid representations seeking a change (an objection) to the Core Strategy Review (Submission Draft document published in January 2019 and consultation document on amendments to policies and text relating to housing supply published in December 2019) and have confirmed to the Programme Officer that they wish to speak.

3.6 All those who wish to speak at the hearing sessions should confirm this in writing with the Programme Officer by **5pm on Friday 12 June 2020**, stating which

session or sessions they wish to speak at (referring to the matter number and quoting their respondent ref. no.). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. The finalised timetable and list of participants will be confirmed before the hearing sessions commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.

- 3.7 Although it is not currently possible to set out a specific timetable for the hearing sessions, we have produced a document which gives an indication of the running order of the hearing sessions and the estimated time set aside for each matter, in order to assist potential participants. It will be noted that we currently envisage the hearing sessions lasting for approximately eight sitting days.

4.0 The examination library

- 4.1 A library of all documents associated with the examination is being maintained and will be updated to include any additional documents produced during the course of the examination. An up to date list of documents with their reference numbers is available from the Programme Officer. All documents are available via the Examination pages of the Council's website and this will be kept up to date.

5.0 The submission of statements and further material

- 5.1 The Council should produce an individual written statement for each of the matters identified; addressing all of the issues and specific questions set out in the Matters, Issues and Questions document. They should include specific references to supporting evidence where appropriate. The Council is asked to address key points raised in relevant representations when answering the questions.
- 5.2 Other participants may, if they wish, submit written statements addressing the issues and questions set out for the sessions they are attending which are relevant to their particular representations. There is no need to repeat points already made in representations however and participants may wish to rely on these earlier representations. Others who have made relevant representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Although again, there is no need to repeat points already made.
- 5.3 Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Core Strategy Review, other examination documents or those in the public domain such as the National Planning Policy Framework (NPPF), clear cross referencing will suffice.
- 5.4 The statements should be sent to the Programme Officer. For both the Council and other participants, the deadline for receipt of written statements is

5pm on Friday 3 July 2020. Statements should be sent electronically, there is no need to provide paper copies.

- 5.5 It should be made clear who is submitting the statement (quoting the respondent ref. no.) and which matter it relates to. Statements should be no more than 3,000 words long. A flexible approach will be taken to the length of the Council's statements where the matters relate to a large number of policies. Separate statements should be submitted for each matter.
- 5.6 Other than the statements referred to above, **no further information or documentation should be submitted to the examination unless specifically asked for.** We will consider requests from the Council to produce additional Topic Papers or technical notes which would assist the examination however. There is no scope to produce rebuttal statements and additional statements or information should not be presented at the hearing sessions.

Summary/ key points

- The Matters, Issues and Questions document sets out the key questions which we will be considering.
- We are not currently able to set the date for the opening of the hearings due to the public health safeguarding and social distancing measures in operation as a result of the Coronavirus (Covid-19) pandemic.
- We will keep this situation under review and liaise with the Council on the approach to hearing sessions.
- There will be at least six weeks notice of the opening of the hearing sessions.
- An indicative running order for the hearing sessions has been produced to assist potential participants.
- All of those wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by **5pm on Friday 12 June 2020.**
- Participants at the hearings will be confirmed in due course.
- Statements for the hearing sessions should be based on the Matters, Issues and Questions document and must be submitted to the Programme Officer by **5pm on Friday 3 July 2020**
- All documentation relevant to the examination is available on the Council's website and this will be updated
- Any queries should be directed to the Programme Officer – Caroline Williams

Philip Mileham and Kevin Ward

INSPECTORS