

PLAN:MK
EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS
22 May 2018
Version 1.0

Introduction

1. These notes have been prepared to assist those individuals and organisations who are involved in the Examination of Plan:MK (the Local Plan for Milton Keynes 2016-31). The Plan was formally submitted to the Secretary of State on 29 March 2018 following a 6 week consultation period which took place between 8 November 2017 and 20 December 2017.

Inspector and Programme Officer

2. The Secretary of State has appointed the Inspector, David Spencer BA(Hons) DipTP, MRTPI, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), to hold an Examination into the soundness and legal compliance of the Plan.
3. Ian Kemp is the Programme Officer (PO). He is acting as an impartial officer for the Examination under the Inspector's direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the Examination Library (mainly in an electronic format) and to assist the Inspector with administrative and procedural matters. Ian will advise on any programming or procedural queries.
4. Any matters which the Council or participants wish to raise with the Inspector should be addressed to the PO. Anyone who requires assistance or special facilities for disabled persons should contact the PO beforehand to enable appropriate arrangements to be made. The PO contact details are:

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Purpose and nature of the Examination

4. The Inspector's task is to consider whether the Plan meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations and whether it complies with the requirements of the National Planning Policy Framework ('the Framework'). These requirements comprise (i) whether the **legal requirements** have been met, whether the Council has complied with the **duty to co-operate**; and whether the plan is **sound**. The Framework indicates that a sound plan is **positively prepared, justified, effective** and **consistent with national**

policy. The Council should rely on evidence collected while preparing the Plan to demonstrate that it meets the requirements of the Act. Those seeking main modifications (changes) to the Plan (those necessary for the plan to be sound or legally compliant) have to demonstrate why the document does not meet the requirements and how the suggested changes would address any failure.

5. The key elements in the Examination process are:

- The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan;
- The Inspector has to consider the representations made on the submitted plan;
- The Inspector is not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements;
- It is not the Inspector's role to seek to improve the Plan or to make it 'more sound' but to seek to address unresolved issues through round table discussion or consideration of the original written representations.

6. The hearing sessions are intended to be an inquisitorial rather than adversarial process under the Inspector's direction. They will address particular topics selected for discussion by the Inspector from the soundness requirements and the representations made at the publication stage.

7. Following the close of the hearings the Inspector will prepare a Report for the Council with his conclusions on legal compliance and soundness. Under section 20(7C) of the 2004 Act the Council can request to the Inspector to recommend any main modifications to the plan that are necessary to make it sound and legally compliant. The Council can make minor changes to the plan at any time up to its adoption. These should not materially affect the substance of the plan, its overall soundness or the submitted sustainability appraisal. They need not form part of the Examination.

8. The Inspector will work with the Council to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan. Any main modifications should include the precise wording of the text and be set out in an Examination document.

9. Further guidance on the Examination process can be found in:

- The Planning and Compulsory Purchase Act (2004) and associated Regulations (2012)
- The Planning Inspectorate's Procedural Practice in the Examination of Local Plans June 2016 (4th Edition v.1)
- The Planning Advisory Service's guidance on Local Planning (<http://www.pas.gov.uk/local-planning>)

Representations on Plan:MK

10. A total of 894 duly made representations were made on the published Plan.
11. **All those who wish to speak at the hearing sessions should confirm this in writing to the Programme Officer by noon on Friday 22nd June 2018.** This includes confirmation from those who indicated in their initial representations that they wish to participate. **Whether your views are expressed in writing or verbally during the hearing sessions both methods will carry the same weight.**
12. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who propose changes to the Plan. There is no need for those supporting the Plan or merely making comments to take part in the hearings although they may attend as observers. However, the Inspector may invite persons to appear or be heard at the hearings where he thinks they are needed to enable the soundness of the plan to be determined.

The Policies Map

13. Under the relevant legislation, a local plan is accompanied by a policies map. As part of the examination it is not the role of the Inspector to directly examine the policies map. However, the policies map is clearly a critical geographic illustration of how the policies will be applied, accordingly potential changes to it will be discussed during the hearing sessions. The Council should maintain a comprehensive list of any changes it proposes to the policies map, or ones that the Inspector suggests are necessary, throughout the examination process. The list will be published on the examination website and the Inspector's report may refer to it as necessary.

The Hearings Programme

14. It should be noted that the examination hearings are currently programmed to sit in two stages. The Stage One Hearings in July 2018 will cover strategic matters such as legal compliance, development strategy, housing numbers, the proposed strategic sites and proposals relating to Central MK. The Stage Two Hearings in late August 2018 will look at the policies for development, plan viability and approach to settlement boundaries. A copy of the current programme has been published to accompany these guidance notes.

Procedure at the hearing sessions

15. The hearing sessions for the Examination will commence on **10 July 2018** at 10.00 hours. Subsequent sessions will normally start at 10.00 hours and 14.00 hours with a break for lunch at about 13.00 hours, although earlier starts may be programmed in some instances (please check the hearings programme). They should finish by about 17.00 hours. If convenient, short breaks will be taken mid-morning and mid-afternoon.

16. A draft Programme for the hearings, putting dates and times to the issues and subjects to be examined, has been published. If you have any queries on it, please raise them with the PO. The Programme will be available on the web site, or in paper form from the PO.
17. Every effort will be made to keep to the Programme, but late changes may be unavoidable. The PO will inform participants of any late changes to the timetable but it will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.

Hearings Venue

18. The Hearings will take place at Harben House Hotel, Tickford Street, Newport Pagnell MK16 9EY commencing at **10.00am on Tuesday 10 July 2018.**

Inspector's Matters, Issues and Questions

19. The Inspector has issued "Matters, Issues and Questions" that the Examination will focus on. These are based on his assessments in terms of soundness and legal compliance having regard to all of the representations made and on-going clarifications with the Council on key matters. The Matters, Issues and Questions will form the basis of the discussions at the hearing sessions..

Procedure at the Hearing Sessions.

20. The hearings will focus primarily on issues of soundness. The hearing format will provide an informal setting for dealing with the issues by way of a discussion led by the Inspector. Those attending may bring with them professional experts but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant's team, as appropriate.
21. The discussion for each Matter will focus on the Inspector's issues and questions. The Inspector will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. All participants will have an equal chance to contribute and there will be an opportunity to ask questions. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate upon relevant points, as necessary. The Inspector will endeavour to progress the hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, he will aim to minimise the amount of material to that necessary to come to informed conclusions on the issues. **It is also important that participants should not seek to introduce new material at a hearing session.**
22. At the hearings, the Inspector will aim to work collaboratively with the Council and all participants in a proactive, pragmatic and problem-solving manner. Those taking part should aim to be co-operative and constructive, and be willing to discuss potential changes that would overcome any unsoundness problems.

Documents and Examination Library

23. The Council has prepared a set of submitted Documents which are available on the Examination [website](#). Further documents may be added as the Examination progresses – for example, in response to a request from the Inspector. **It is important that participants at the hearings are familiar with the relevant submitted documents**, including a number of statements and topic papers prepared by the Council and a schedule of proposed modifications.
24. In addition to the examination documents, the website will contain copies of [representations](#) and further statements. The PO will assist anyone wishing to see and/or copy any documents.

Statements responding to the Matters, Issues and Questions

25. The representations made on the Pre-Submission Local Plan should have included all the points and evidence to substantiate respondents' cases and **it is not necessary to submit further material based on the original representations**.
26. From now on, any further written submissions should mainly be limited to responding to the Inspector's Matters, Issues and Questions for examination. The only exception will be new matters that have arisen since the representations were submitted (for example, where additional documents have been included in the Examination Library by the Council) and any modifications proposed on submission and that are promoted during the course of the Examination (see below). Respondents may refer to new Documents or new matters in statements they intend to submit in relation to the Inspector's Matters and Issues.
27. In issuing his Matters, Issues and Questions the Inspector wishes to receive any written statements in response to his questions on **Matters 1-7 for the Stage One Hearings no later than Noon on Friday 22 June 2018**. Any further statements on **the Matters 3 (Approach to Settlement Boundaries), 7 (Plan Viability), 8 & 9 for the Stage Two hearings should be received no later than Noon on Monday 13 August 2018**. Statements should be submitted in accordance with the guidance in paragraphs 33 and 34 below and submitted to the Programme Officer.
28. When submitting further statements respondents should focus on:
- Which particular part of the Local Plan is unsound.
 - Which of the soundness criteria it fails to meet.
 - Why it fails (point to the key parts of your original representations).
 - How the Local Plan can be made sound.
 - The **precise modifications/wording that you are seeking**.
29. From the Council the Inspector will need a general response to each of his Matters, Issues and Questions. On legal compliance and the duty to co-operate the Council should provide a brief statement indicating its conclusions on each of the points in the Inspector's list, cross referring to the evidence base as

appropriate. Other parties should answer only those questions which follow from the representations they made on the Pre-Submission plan. They should not stray beyond those issues relevant to each original representation.

30. Submissions should set out the fundamental elements of cases, since the hearings are not the place for new points or evidence to be presented for the first time. There is no need for verbatim quotations from the Local Plan or other sources of policy guidance. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Examination Library. However it is essential that statements indicate clearly the paragraph or page of the document that is being relied on. Anyone submitting appendices with their statements should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.
31. Participants should not include links to web pages in their statements. The content of websites can change and it is important that all parties are clear about what is being referred to. Where it is necessary to refer to a website, an appropriate extract can be included as an appendix to the statement.
32. Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the Council and other parties in advance of the hearings. **Statements of Common Ground** are a useful way of narrowing the issues in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. Statements of Common Ground will be accepted whenever they become available, but should be submitted by at least by the Friday before the relevant hearing session to enable uploading on the website and pre-discussion consideration.
33. Those submitting further **written statements** (and appendices) should send, where possible, emailed electronic versions to the PO (in Word or PDF format) **as well as** 3 paper copies (for the Inspector, Council and PO). **Individual statements are required for each matter being addressed. Please do not address multiple matters within the same statement.**
34. Statements should be no longer than **3,000 words per Matter**. The Council may exceed the limit if replying to a large number of questions. Any submissions which are excessively long or contain irrelevant or repetitious material may be returned by the PO for editing. Statements should be on A4 paper, and not bound but stapled and hole punched; plans or diagrams should fold down to A4 size. All statements should be marked in the top right hand corner with the Matter number and name of the respondent.
35. All participants should adhere to the timetable for submitting further statements. They should avoid circulating additional material during the hearings. **Late submissions and additional material are unlikely to be accepted**, since this can cause disruption and result in unfairness, and can cause an adjournment

of the hearing. If material is not received by the deadlines stated, the PO will assume that you are relying only on the original representations.

Modifications to the Plan

36. Under section 20(7C) of the 2004 Act the Council should request to the Inspector to recommend any main modifications to the plan that are necessary to make it sound and legally compliant. Participants should note that there is no provision for main modifications to be requested in relation to the duty to co-operate: the plan as submitted either meets or fails that test. Minor changes (additional modifications) to the plan are a matter for the Council.
37. The Council has submitted a Schedule of Proposed Modifications on submission (presented in core document MK/SUB/004). In the first instance the Inspector will discuss with the Council, through the PO, whether any of these are main modifications necessary for soundness or legal compliance.
38. The Inspector will work collaboratively with the Council and other participants to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan. Any main modifications suggested by the Council should include the precise wording of the text and be set out in a Schedule which will be placed on the Examination web page. This will be updated as required and respondents should monitor this in case they wish to comment at the appropriate time. Any main modifications that the Inspector considers are necessary for soundness or legal compliance will be subject to public consultation, usually after the hearings have closed and before he submits his report.

Site Visits

39. The Inspector will make unaccompanied site visits to the Plan area during the course of the Examination. If it is considered essential that the Inspector makes a visit to a particular site on an accompanied basis, for example due to the need to go onto private land for reasons related directly to representations already made, then this should be discussed with the PO as soon as possible.

Close of the Examination

40. The Examination will remain open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

Submission of Inspector's Report to the Council

41. The date of submission of the Inspector's Report will largely depend on the content, extent and length of the Examination. He will aim to confirm the likely date at the end of the final hearing session.

David Spencer

Inspector.

24 May 2018