

Examination of West Berkshire Local Plan 2022-2039

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IN1: INSPECTOR'S GUIDANCE NOTE

Introduction

1. The West Berkshire Local Plan Review 2022-2039 was submitted for examination on 31 March 2023.
2. I was appointed by the Secretary of State on 21 April 2023 to conduct the examination under section 20 of the Planning and Compulsory Purchase Act 2004. This note provides initial guidance on the procedural and administrative arrangements for the examination.
3. Further general information about the local plan examination process can be found in the Planning Inspectorate's publication Procedure Guide for Local Plan Examinations which is available via <https://www.gov.uk/guidance/local-plans>. There is also a [short guide](#) aimed particularly at those taking part in an examination for the first time.

Programme Officer

4. Ian Kemp is the Programme Officer ("PO") for the examination. He is working under my direction and is independent of the Council. His contact details are given above.
5. The main tasks of the PO are to act as the channel of communication between me, the Council and all the other participants; to liaise with all parties to ensure the smooth running of the examination; to organise the programme of hearing sessions; and to oversee the publication of documents and news updates on the examination website.
6. Any procedural questions or other queries about the examination should be directed to the PO.

Examination website

7. The examination webpages are hosted on the PO website, and their content is controlled by me and the PO. All documents for the examination, including the Plan, policies map, and the Council's supporting and submission documents, are available on the examination [webpage](#). Any documents that I publish or ask for or accept will be added to the website in the examination documents section.
8. If any representor does not have access to the internet, they should contact the PO who will endeavour to make alternative arrangements.

Inspector's role

9. My task is to consider whether the submitted Plan complies with the relevant legislation and is sound. The National Planning Policy Framework (NPPF) (paragraph 35) makes clear that in order to be found sound the Plan must be:
 - a) positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) justified – an appropriate strategy taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) effective – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) consistent with national policy – enabling the delivery of sustainable development in accordance with the NPPF's policies and other statements of national policy, where relevant.
10. It is not part of my role to make improvements to the Plan, provided that it is sound and legally compliant.
11. There are three possible outcomes to the examination:
 - the submitted Plan is sound and legally compliant;
 - the submitted Plan is not sound and/or legally compliant but could be made so by changes (known as main modifications), if necessary, following the preparation of additional evidence; or
 - the submitted Plan is not sound and could not be made sound by changes. If so, I would be likely to recommend that the Council withdraws the Plan. The same would apply if there is a failure of legal compliance which cannot be remedied.

12. At the end of the examination, I will prepare a report for the Council setting out my conclusions and recommendations. My report will deal with the main issues of soundness and legal compliance, taking into account the representations made but without responding to each of them.

Changes to the Plan

13. The starting point for the examination is that the Council has submitted a Plan which it thinks is ready for examination¹. Now that the Plan has been submitted there are only two means by which changes can be made to it:
- as main modifications recommended by me; or
 - as additional (minor) modifications made by the Council.
14. I can only recommend main modifications if they are necessary to make the submitted Plan sound and/or legally compliant. Any potential main modifications will be subject to public consultation before I recommend them in my report. Main modifications are also likely to require further sustainability appraisal and habitat regulations assessment.
15. Additional modifications (sometimes also referred to as “minor modifications”) are changes which do not materially affect the policies in the Plan. They may be made by the Council on adoption and do not fall within the scope of the examination.

Representations made on the Plan

16. The Council has prepared a Consultation Statement along with appendices². These include details of the consultation that has taken place on the Plan, a summary of the main issues raised in the representations, and the Council’s responses to those issues.
17. A total of 1,710 representations were made by a total of 690 individuals and organisations under regulation 20 (i.e. during the consultation held from 20 January 2023 to 3 March 2023)³. They are all available to view on the examination website⁴. I will take these representations into account in my consideration of legal compliance and soundness. I will not consider representations made to the Council at earlier stages of the draft Plan.

Preliminary Questions to the Council

18. Following my initial assessment of the Plan, evidence and representations, it is likely that I will ask the Council to respond in writing to a number of Preliminary Questions that I will publish. This will be to provide clarity and potentially narrow down the focus of the examination. If, following

¹ Section 20(2) of the Planning and Compulsory Purchase Act 2004 (as amended).

² CD4a to CD4c.

³ Consultation Statement Appendix 2 part 4 (CD4c).

⁴ CD5 to CD7.

consideration of my Preliminary Questions, the Council think that main modifications are required to make the Plan legally compliant and/or sound, they should make that clear and draft revised wording for my consideration. The Council's written responses to my Preliminary Questions will be published.

Matters, Issues and Questions

19. Following my consideration of all the evidence and representations, and the Council's responses to any Preliminary Questions, I will publish the Matters, Issues and Questions that will be the focus of the examination.

Written statements

20. When I publish my Matters, Issues and Questions I will ask the Council to provide written statements responding to all of the questions. Again, if in responding to my questions the Council thinks that main modifications are required, they should set those out for my consideration. Representors will also be able to submit written statements responding to questions relevant to the issues raised in their regulation 20 representations. Deadlines will be set for the receipt of statements by the PO, and there may be different deadlines for different Matters. Late statements will not be accepted.
21. Further information about the format and content of written statements will be published alongside my Matters, Issues and Questions.

Statements of Common Ground

22. A Duty to Cooperate Statement and associated Statements of Common Ground have been submitted by the Council and are in the examination library⁵. I may decide that it would be helpful if the Council drew up further Statements of Common Ground with particular representors relating to specific parts of the Plan. If that is so, I would advise the Council accordingly and set deadlines by which any such statements should be provided.

Other written material

23. Other than information specifically requested by me, no further representations, evidence or other written material should be submitted to the examination.

Examination hearings

24. An important part of the examination will be the hearings that I will hold to help me determine if the Plan is legally compliant and sound and, if not, how it could be modified to ensure that it is. The hearings will allow me to focus on particular parts of the Plan and relevant evidence that I need to ask questions

⁵ CD11.

about. Not all parts of the Plan will be discussed at the hearings as for some I will have all of the information that I need in writing.

25. The hearings will be public events held at Shaw House, Church Road, Shaw, Newbury, RG14 2DR. All sessions will be available to view online and there may be the opportunity to attend the venue to observe. As well as representatives for the Council, some representors may also participate. However, only those individuals and organisations who have made representations under regulation 20 seeking to change the Plan have a right to participate.
26. In the next few weeks, the PO will ask representors if they wish to participate in the hearings. All representors who do wish to participate must respond at that time, irrespective of what they indicated in their regulation 20 representations. If representors do not respond to the PO by the deadline set, it will be assumed that they do not wish to participate.
27. I will have read the representations and any written statements before the relevant hearing. Participation is therefore only likely to be necessary if a representor thinks that they will want to respond to questions that I ask or to points that others may make during the hearing. Representors will normally only take part in the hearing session that is relevant to the main issue or issues that they raised in their regulation 20 representations.
28. Representors who are not seeking changes to the Plan, including those who have made representations supporting it, do not have a right to take part in the hearings. However, I may invite additional participants if I think that would assist me in determining the soundness or legal compliance of the Plan.
29. Dates of the hearings, along with detailed information about how to participate or observe, will be published on the examination website nearer the time. Representors will be informed at least six weeks in advance of the date of the opening hearing session⁶.

Omission sites

30. Some representations are concerned with what are known as “omission sites”. These are sites which have not been allocated in the Plan for development. However, my role is to examine the soundness of the submitted Plan, rather than omission sites. I am unlikely, therefore, to ask any written questions about omission sites or discuss any at the hearing sessions.

Site visits

31. I will carry out site visits before, during, or after the hearings as necessary to inform my assessment of the soundness of the Plan. All site visits will be unaccompanied, unless I need to go onto private land, in which case I will make the necessary arrangements via the PO.

⁶ Regulation 24 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Close of the examination

32. The examination will close when my report is submitted to the Council.

Provisional examination programme 2023

April / May	Inspector's initial assessment of Plan, evidence and representations
May	Inspector's Preliminary Questions to the Council Representors asked if they wish to participate
June	Council responds to Inspector's Preliminary Questions
June / July	Inspector's Matters, Issues and Questions
August to September	Deadlines for written statements from Council and representors in response to Matters, Issues and Questions
September to November	Hearing sessions

33. This provisional programme is indicative only at this stage and could change. A more detailed programme, with specific dates, will be published in due course.

Further information

34. Published information about the preparation and examination of local plans is available as follows:

Relevant guidance from the Planning Inspectorate: [Local plans: guidance and information from the Planning Inspectorate - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/local-plans-guidance-and-information-from-the-planning-inspectorate)

- Local Plans: the examination process
- Procedure Guide for Local Plan Examinations
- Local Plans: taking part in examinations (short guide)

National planning policy and guidance: [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/policy-framework/national-planning-policy-framework)

- National Planning Policy Framework
- Planning Practice Guidance, including the section on Plan-making

Relevant legislation: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

35. Any queries about this note should be taken up with the PO.

William Fieldhouse

10 May 2023
