

# East Riding Local Plan Update

## EXAMINATION GUIDANCE NOTE

**19<sup>th</sup> June 2023 (v1)**

Inspector – Ms Katie Child BSc. (Hons) MA MRTPI

Programme Officer – Ian Kemp

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### Purpose of the Guidance Note

1. East Riding Council has undertaken a review of its Local Plan and produced a draft 'Local Plan Update' which sets out a strategy for development up to 2039. Before a local plan can be formally adopted, it must be subject to independent examination. The Local Plan Update has been submitted to the Secretary of State for Levelling Up, Housing and Communities and I have been appointed to conduct the examination.
2. This note provides guidance to participants on the procedural and administrative arrangements for the examination.

### The Inspector's role in the examination

3. The role of the Planning Inspector is to examine whether the local plan is 'sound' and meets a number of legal and procedural tests. The 'tests of soundness' are set out in paragraph 35 in the National Planning Policy Framework.
4. There are three possible outcomes to the examination:
  - The submitted plan is sound, meets relevant legal requirements and does not need to be changed.
  - The submitted plan is not sound and/or legally compliant but this could be resolved through changes (known as *main modifications*<sup>1</sup>). If necessary, this may follow the preparation of additional evidence.
  - The submitted plan is not sound and/or legally compliant and could not be made so by changes.
5. Following the close of the hearings I will prepare a report to the Council, setting out conclusions. The report will deal with broad issues rather than specifically with each individual representation.

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<sup>1</sup> For further information on the modifications process, see page 3 below.

## The Programme Officer

6. The Programme Officer for the examination is Ian Kemp. The Programme Officer plays a key role in organising the examination and acts as the first point of contact for everyone. He works with the Inspector and independently of the Council. His contact details are set out above and any questions should be directed to him.

## Examination webpage

7. The examination webpage provides information about the examination, including evidence documents and details of hearings. The website address is <https://www.localplanservices.co.uk/eastriding>
8. The webpage will be maintained by the Programme Officer and updated regularly. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be put in place.

## Examination stages

9. A summary of the examination programme and some key sources of information are set out in the annex to this note.
10. The examination will now move through the following stages, which are outlined in more detail in the Procedure Guide:
  - Preparation of statements in advance of hearing sessions
  - Hearing sessions
  - Consultation on any main modifications (changes to the plan)
  - Inspector's final report
11. The timing and nature of the process is subject to variation depending on how the examination proceeds. For example, there may be additional stages if I conclude that more evidence needs to be prepared to help justify the plan or to inform changes.

## Changes to the plan

12. The starting point is that the Council has submitted a plan which it considers is ready for examination. The Council should rely on the evidence put together while preparing the plan to show that it is sound. Anyone wanting to change the plan should explain why they think it is not sound and how their suggestion would put this right.
13. At this stage there are only two means by which changes can be made to the submitted plan:

- 'Main modifications' recommended by the Inspector as being necessary to achieve a sound plan. During the examination I will say if I think any are needed. They would then be subject to public consultation, and I will consider any comments, before concluding on them. They may also need to be subject to a sustainability appraisal.
  - 'Additional' modifications - these are changes which do not materially affect the policies in the plan, including factual updates and typographical errors. They are made by the Council when they adopt the plan and are not a matter for the examination. They are sometimes referred to as minor modifications.
14. The Council has suggested a series of changes to the Plan in document EXAM1C (see [EXAM1C](#)). I will consider those changes and they may be discussed in the hearing sessions, but it is important to recognise that the basis for my examination is the submitted Plan, not including these suggested changes. I will only recommend changes to the submitted Plan if they are required to ensure it is sound and/or meets the relevant legal requirements.
15. I will also take account of any other potential main modifications suggested by the Council or others during the examination. However, if the plan is already sound it is not the purpose of the examination to improve it.

### Representations made on the Plan

16. The Council has prepared a Statement of Consultation (document S-EB11-01/02) which includes details of the consultation that has taken place on the Plan, and their summary of the main issues raised in the representations. The Council has also updated the summary of responses and included officer responses to the representations made, in document EXAM1B (see [EXAM1B](#)).
17. A full set of the representations made on the submitted Plan has been provided to me and I will take them all into account. These are sometimes referred to as responses to the 'Regulation 19' consultation, after the legal regulation relating to this stage. I will not consider representations made on any earlier draft versions of the plan (which are sometimes referred to as the Regulation 18 stage).

### Matters, Issues and Questions

18. Based on my initial assessment, I have identified a number of matters, issues, and questions (MIQs) I want to explore. Essentially they are a series of grouped questions on specific topics, intended to give an ordered structure to the examination. They are set out in the MIQs document which has been issued at the same time as this guidance note.

## Hearing statements

19. The Council should produce a statement for each hearing session responding to all the MIQs.
20. Other participants should only submit hearing statements on topics they made representations about. Please note that there is no requirement to submit a hearing statement and you may wish to rely on your previous representations. All previous written comments on the submission draft Local Plan Update will be taken into account.
21. Statements should be focussed and as short as possible and be a maximum of 3,000 words for each matter. They should:
  - clearly identify (by reference number/letter) which specific MIQs are being answered.
  - only include appendices exceptionally, where they are directly relevant or necessary.
  - An individual statement should be submitted for each matter being addressed.
22. Hearing Statements should be sent via email to the Programme Officer, in either Word or PDF format by **Friday 25<sup>th</sup> August 2023 (5pm)**. If you are unable to email your statement, please contact the Programme Officer so that alternative arrangements can be made.
23. All hearing statements will be posted on the examination webpage after the submission date. They will not be circulated directly to participants. Anyone who is unable to access them on the webpage should contact the Programme Officer.
24. Once the date for submitting hearing statements has passed, no other written evidence will be accepted throughout the examination, unless I specifically request it. To be fair to all participants, the hearings should not be used to introduce additional evidence.

## Hearing dates and location

25. The hearing sessions will commence on **Tuesday 31st October 2023**. An initial 'Hearing Programme' has been published and can be viewed on the examination webpage. The programme will be subject to change, so please continue to check the webpage. Detailed agendas for each hearing session will be published nearer the time.
26. The hearing sessions will be held at:  
Beverley County Hall, Cross Street, Beverley HU17 9BA
27. The sessions will also be livestreamed and available to view via the Council's website.

## Hearings process

28. Each hearing session will focus on a specific topic in the MIQs. The hearings will take the form of a roundtable discussion which I will lead. There will be no formal presentation of cases or cross examination of participants.
29. If you made representations on the submission Local Plan Update and sought changes to the Plan, there is a right to speak and take part in the hearings. Please note:
  - the right to participate only applies to the sessions relevant to the original representation on the submission plan.
  - There is no requirement to attend and you may wish to rely on your written representation. Both written and verbal submissions will be taken into account.
30. If you have a right to take part and wish to do so, please contact the Programme Officer by **Friday 18<sup>th</sup> August 2023** indicating which session(s) in the published hearing programme you wish to take part in and which are relevant to your representations. You must do this regardless of what you may have indicated in your original representations. Please note that if you do not contact the Programme Officer by that date, it will be assumed that you do not wish to take part and you will not be listed as a participant in the hearing sessions.
31. Anyone may attend the hearing sessions as an observer (e.g. to watch and not take an active part in the discussions). You can either attend in person or watch the proceedings live via the Council's website. To ensure adequate arrangements are in place, if you wish to attend in person to observe any of the sessions, please contact the Programme Officer by **Monday 16<sup>th</sup> October 2023**.
32. Those who made representations which did not seek changes to the Plan, including those supporting it, do not have a right to take part in the hearings. However, I may invite additional people to take part if this would help me assess the Plan.
33. To ensure that there is sufficient space, organisations participating in the hearing sessions will normally be allocated one seat at the table, with members of their team "hot-seating" as necessary. Similarly, the Council should limit the number of its representatives to those needed to deal with the topic under discussion.
34. Where several representors or organisations wishing to take part in the hearings have similar points, it will help me if they can arrange to be represented by one or two spokesperson(s). Please contact the Programme Officer to discuss this.
35. Please let the Programme Officer know as soon as possible if you have any specific needs or requirements to enable your attendance at or

participation in the hearing sessions.

36. The issues considered in local plans examination can be controversial, sometimes leading to strong and conflicting views. At all times during the examination participants and observers are expected to act in a courteous, respectful and helpful manner towards each other. I will ensure that all participants are given a fair opportunity to express their views. Inappropriate material submitted during the examination will not be accepted. Threatening or aggressive behaviour of any kind will not be tolerated.

### Representations on alternative site locations

37. Some representations objecting to the plan have proposed that different sites from those allocated in the submitted Plan should be selected for development. These are sometimes referred to as 'omission sites'. However, my role is to examine the soundness of the submitted Plan and the proposed selected allocations. Consequently, I will focus my examination on the allocation sites and will not be holding a separate hearing session on omission sites.
38. If I conclude that additional sites for development are needed, for example, because an allocated site is found to be unsound, I will ask the Council to decide which alternative or additional sites should be considered for inclusion. These sites would be subject to consultation and I would consider any responses before concluding on them.

### Site visits

39. I will decide which sites and parts of the Plan area I will visit to help me reach my conclusions. Sites may be undertaken before, during, and after the hearings where necessary. The visits will be unaccompanied, unless there is a need to go on to private land. In the latter case I will make arrangements via the Programme Officer.

### After the hearings

40. During the hearings I will let the Council know about any changes to the plan (main modifications) I think may be necessary. I may also write to the Council after the hearings have ended, for example, if I am unable to reach conclusions in the hearings on the need for some main modifications.
41. The Council will then draft the main modifications and agree them with me, before making them available for public consultation. I will consider any representations about them before reaching my final conclusions.
42. I will then prepare a report for the Council setting out my conclusions and my recommendations on any main modifications that are needed. My

report will deal with the main issues of soundness and any procedural and legal issues. I will consider all the points made during the course of the examination. However, I will not be reporting on every issue, question or representation.

### Close of the examination

43. The examination will close when my report is submitted to the Council. The Council must then decide whether to formally adopt the plan. However, the plan can only be adopted if it includes any changes I have recommended to make it sound.
44. The Council should publish my report as soon as they reasonably can after receiving it. Once the report has been issued my involvement in the Plan is over.

Katie Child

INSPECTOR

## Annex

### Summary of the examination programme

19 <sup>th</sup> June 2023	Inspector's Matters, Issues and Questions published along with initial Hearings Programme and Examination Guidance Note
18 <sup>th</sup> August 2023	Deadline for notifying the Programme Officer whether you wish to exercise your right to be heard and appear at a hearing session
25 <sup>th</sup> August 2023	Deadline for submission of hearing statements
16 <sup>th</sup> October 2023	Deadline for informing the Programme Officer if you wish to attend the hearing sessions to observe
Mid-late October 2023	Detailed hearing agendas to be published by the Inspector
31 <sup>st</sup> October 2023	Start of hearing sessions

### Further information

Further information about the preparation and examination of Local Plans is available as follows:

#### National planning policy and guidance

- the government's planning policy - [National Planning Policy Framework](#)
- the governments [Planning Practice Guidance](#)
- the government's planning practice guidance specifically on local plans - [Plan-making](#)

The Local Plan examination process and the role the Planning Inspectorate plays in that - [local plans and the examination process](#). This page includes:

- the Procedure Guide for Local Plan Examinations
- a short guide to taking part in local plan examinations

Relevant legislation – is available at <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)