

NORTH YORK MOORS NATIONAL PARK AUTHORITY LOCAL PLAN EXAMINATION

EXAMINATION GUIDANCE NOTE FROM THE INSPECTOR

Purpose of the Guidance Note

1. This note provides guidance to representors involved in the Examination of the North York Moors National Park Authority Local Plan.
2. All representors should familiarise themselves with the contents of the note, in particular those who wish to submit further statements and/or take part in the hearing sessions.

Dates for Hearing Sessions

3. The hearing sessions (which are part of the overall Examination) will take place between **Tuesday 12th November and Thursday 14th November 2019**. The venue will be **North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley YO62 5BP**
4. There will be a morning and afternoon session on each day. A draft programme indicating the matters to be discussed at each hearing session will follow shortly.
5. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the web site or with the Programme Officer, and to ensure that they are present at the right time.
6. Other than the first day, which will begin at 1000, the hearing sessions will normally run between 0930-1300 and 1400-1700 each day. A short break will usually be taken mid-morning and mid-afternoon.

The Inspector's role in the Examination

7. My task is to consider the soundness of the plan, i.e. the *North York Moors Local Plan Pre-Submission Draft April 2019*. This is the document produced for consultation between January and March 2018.
8. The *National Planning Policy Framework* (MHCLG, February 2019) (the Framework) sets out the criteria for determining soundness. Namely that the plan is **Positively Prepared, Justified, Effective and Consistent with National Policy**.
9. I aim to work collaboratively with the National Park Authority and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the National Park. However, this does not necessarily mean that the plan will be found to be sound.
10. Following the close of the hearings I shall prepare a report to the National Park Authority with my conclusions. The National Park Authority has formally requested that I recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. Please note that I will deal with broad issues in my report, not with each individual representation.
11. Any main modifications that I consider are likely to be necessary for the plan to be found sound will be the subject of formal consultation and, potentially, considered

as part of a revised Sustainability Appraisal and/or updated Habitats Regulations Assessment. More information will be provided at the appropriate time.

The Programme Officer

12. The Programme Officer (PO) for the Examination is Liz Sheard. She works independently of the National Park Authority, under my direction, in connection with the Examination. Liz can be contacted as follows:

programmeofficer@northyorkmoors.org.uk

Liz Sheard
Programme Officer
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

07976 292836

Please Note: The PO is not permanently based at the NYMNPA offices, email is therefore the preferred communication method.

13. The main tasks of the PO are to act as a channel of communication between all parties and myself; liaise with the parties to ensure the smooth running of the Examination; and ensure that all documents received are recorded and distributed. Copies of all Examination documents are available on the Examination website:

<https://www.northyorkmoors.org.uk/planning/framework/local-plan-submission-draft/local-plan-examination>

14. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO. Please let her know if you have any specific needs in relation to attendance/participation.

Progressing your representations on the plan

15. In examining the plan **I will give the same weight to written representations as to those made orally at hearings sessions.** Consequently, participation at a hearing session is only necessary if, in the light of the list of Matters and Questions for the Examination, you have additional relevant points to contribute.
16. Accompanying this note is a list of *Matters and Questions* for the Examination. I have identified eight Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions, which are not exhaustive, will form the basis of the discussion at the hearing sessions and should also be the basis on which any further written statements, to be submitted in advance of the hearings, are prepared.
17. The hearings are open to all to observe, but only those who have previously made representations relevant to the matters being considered, and who register a request to participate, will be allowed to speak. If you are in doubt as to which Matter your representation relates to please contact the PO to discuss this.
18. Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them to participate in a hearing session should register

their interest in doing so with the PO by **1700 on Friday 18th October 2019**.

The hearing sessions and further statements

19. Each Matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions. The hearings will take the form of a roundtable discussion, which I will lead. They will not involve cross-examination or the formal presentation of cases by participants. I shall take account of all written representations already submitted and it is **not** the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session.
20. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.
21. The National Park Authority is required to produce a further statement for each of the eight Matters. In this it should answer all of the individual questions set out in the list of Matters and Questions.
22. Whilst it is not a requirement, or a necessity, other participants (those who submitted representations as part of the April – May 2019 consultation either in support of or objection to the plan) can also submit further statements, but **only** on the questions of relevance to their original representation.
23. Further statements should be a **maximum** of 3000 words for each Matter. I very much anticipate that many will not need to be as long as this, particularly those addressing only a small number of questions. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. The word limit does not apply to the National Park Authority because it is required to answer every question, although I would encourage it to be as concise as possible, providing references to specific sections of the already submitted evidence wherever relevant.
24. In preparing statements you should:
 1. **Only** answer question(s) of relevance to your original representation, clearly identifying the number(s) of the question(s) you are answering;
 2. Compile a separate statement for each Matter; and
 3. Have regard to the evidence submitted by the National Park Authority, which is available on the Examination website.

In turn, in answering each question the National Park Authority should have regard to the representations made on the plan, which are of relevance to that question.

25. While they are not specifically invited, Statements of Common Ground between Examination participants on issues of direct relevance to the matters under examination will also be accepted.
26. I am examining the plan as submitted by the National Park Authority. Therefore, I will **not**, at this stage, be considering the merits of any sites that have not been allocated in the plan (so-called "omission sites"). I do not, therefore, wish to

receive submissions on such sites. Should I determine that there is a need for sites to be allocated I will, in the first instance, ask the National Park Authority to consider how it would wish to proceed with the Examination.

27. An electronic version of each further statement (and any Statements of Common Ground) should be submitted to the PO (contact details as above) by **1700 on Friday 18th October 2019**. Unless there are exceptional circumstances, it is unlikely that late submissions will be accepted.
28. Aside from these further statements (and any Statements of Common Ground) no other written evidence will be accepted unless I specifically request it. All statements will be posted on the Examination website, so that they are available to anyone who wishes to read them. Because they will be available in this way they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

Site visits

29. If I consider it necessary to my assessment of the soundness of the plan I may visit relevant sites and areas before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land.

Finally ...

30. I re-emphasise:
 - I shall have equal regard to views put orally or in writing;
 - The need for succinctness. Please respect the letter and spirit of the 3000 word limit in further statements, with only limited and directly relevant appendices;
 - That your hearing statement(s) should focus on answering the questions that I have posed in the *Matters and Questions*;
 - That you must meet the **17.00 FRIDAY 18th October 2019** deadline to advise the PO of your wish to participate in a hearing session and for the submission of further statements.

Richard Schofield

INSPECTOR