



The Planning Inspectorate

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# **Examination of the New Settlement (Maltkiln) Development Plan Document (DPD)**

**Clive Coyne BA (Hons) Dip TP MRTPI**

Inspector appointed by the Secretary of State

Date 30 July 2024

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## **Examination Guidance Note**

Published v1

## Introduction

- 1) This Guidance Note provides further information on the procedural and administrative arrangements for the examination of the New Settlement Development Plan Document (DPD). The DPD was submitted for examination on 28 March 2024 by North Yorkshire Council (hereafter referred to as 'the Council').
- 2) All participants should familiarise themselves with the contents of the note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions.
- 3) Further information about the preparation and examination of Local Plans can be found in the Planning Inspectorate's Procedure Guide for Local Plan Examinations (<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>)

## The Role of the Planning Inspector

- 4) The Local Plan is being examined by **Clive Coyne** BA (Hons) Dip TP MRTPI.
- 5) The Inspector has been appointed by the Secretary of State. His role is to examine whether or not the Local Plan has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, and, whether or not it meets the tests of 'soundness' set out in the National Planning Policy Framework (the 'Framework').
- 6) At all times the Inspector will aim to work with the Council and everyone else involved in the examination in a positive and pragmatic manner.

## The Role of the Programme Officer

- 7) The appointed Programme Officer is Kerry Trueman. The Programme Officer is an independent Officer who is responsible for receiving, recording, and distributing the examination materials, maintaining the examination library and organising the hearing sessions. Communication between the Inspector and representors is also handled by the Programme Officer, who can be contacted at:

Programme Officer,  
Pendragon House,  
1 Bertram Drive,  
Meols,  
Wirral  
CH47 0LG

Telephone: 07582 310364

Email: [programmeofficer3@northyorks.gov.uk](mailto:programmeofficer3@northyorks.gov.uk)

- 8) The Programme Officer is also responsible for making sure that the information regarding the examination and all relevant documents are made available on the examination website:

<https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/new-settlement-maltkiln-development-plan-document>

- 9) Should any representors not have access to the internet, please contact the Programme Officer so that alternative arrangements can be made.

### The Examination

- 10) The Framework requires that Development Plan Documents are prepared in accordance with the Duty to Cooperate, meet legal and procedural requirements and are 'sound'.
- 11) As part of this process, the Inspector will need to determine whether or not:
- The Council has complied with the Duty to Cooperate under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).
  - The DPD has been subject to an adequate Sustainability Appraisal.
  - The DPD has been prepared in accordance with the Local Development Scheme and Statement of Community Involvement.
  - The requirements of the Conservation of Habitats and Species Regulations 2017 have been complied with, having regard to relevant national policy and guidance, and if an appropriate assessment has been carried out where necessary.
  - Relevant publicity and procedural requirements have been met.
- 12) In terms of 'soundness', the Framework states that DPDs are 'sound' if they are:
- **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.
  - **Justified:** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
  - **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.
  - **Consistent with national policy:** enabling the delivery of sustainable development in accordance with the policies in the Framework.

### Changes to the Plan

- 13) The starting point is that the Council should have submitted a Development Plan Document which it considers is ready for examination<sup>1</sup>. At this stage, there are only two means by which changes can be made to the submitted Plan:
- **'Main Modifications'** recommended by the Inspector; and
  - **'Additional Modifications'** made by the Council on adoption of the Plan.

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<sup>1</sup> Section 20(2) of the Planning and Compulsory Purchase Act 2004

- 14) Only the appointed Inspector can recommend **Main Modifications** if they are necessary to resolve problems that would otherwise make the submitted Plan unsound, or not legally compliant<sup>2</sup>. Main Modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential Main Modifications must be subject to public consultation and in some cases, further sustainability appraisal may be required.
- 15) **Additional Modifications** are changes that do not materially affect the Plan (such as typographical errors, factual changes etc.) They are made by the Council on adoption and are sometimes referred to as 'Minor Modifications'. The Inspector are not accountable for such changes and they do not form part of the examination<sup>3</sup>.
- 16) Core Document Reference CDNS05 includes a list of Suggested Proposed Modifications which the Council considers are necessary to make the DPD sound. These changes will be discussed, where appropriate, at the relevant hearing session.

### Hearing Sessions

- 17) As part of the examination of the DPD the Inspector will hold hearing sessions to discuss the main issues and any changes which may be necessary to the DPD.
- 18) Only those seeking to change the DPD, and have duly made representations, have a right to participate in the hearing sessions<sup>4</sup>. It is also important to stress that written representations carry the same weight as those made orally at a hearing session. Thus, participation at the hearings is only necessary if, in light of the matters, issues and questions raised, you have specific points that you wish to contribute orally at the hearing. The sessions will be open for anyone to observe.

### Hearing Session Format and Location

- 19) The hearing sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspector. Hearings are designed to allow the Inspector to explore the main issues. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
- 20) Hearing sessions will take place in person at Fountains Room, Harrogate Civic Centre, St Luke's Mount, Harrogate HG1 2AE.
- 21) The time, venue and format of each session is specified in the *Examination Hearing Programme*. Should participants have any queries or need to make alternative arrangements in order to attend a relevant session(s), they should contact the Programme Officer in the first instance.

### Attending a Hearing Session

- 22) The *Examination Hearing Programme* sets out which topics will be discussed on each day. In order to plan appropriately for each session, it is important that participants confirm with the Programme Officer if they wish to attend in writing by **23 August 2024**. It may not be possible to accommodate participants making a request to attend after this date.

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<sup>2</sup> Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

<sup>3</sup> See the Procedure Guide for Local Plan Examinations

<sup>4</sup> S20(6) of the PCPA 2004

- 23) The *Matters, Issues and Questions* document will form the basis of the discussions at the hearing sessions and has been published alongside this *Guidance Note*. Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they have been allocated to the correct session, contacting the Programme Officer if unsure. You should only request to attend a session if you have made a representation seeking a change to the Plan relating to that topic.
- 24) If there is a Matter that has been raised by the Inspector, and one where several individuals (such as a group of local residents) wish to speak and make the same point, representors should consider whether they wish to nominate a single person to speak on their behalf. If participants are unsure, please contact the Programme Officer who will be able to help.
- 25) A final version of the *Examination Hearing Programme* will be published on the examination website before the start of each stage and confirm which representors are scheduled to attend each session. It will be for participants to check the progress of the hearings and to ensure that they are present at the right time.

### **Hearing Statements**

- 26) Ahead of the hearings, the Council should produce Hearing Statements which respond directly to all the points raised in the *Matters, Issues and Questions*.
- 27) Any representors who have made comments seeking a change to the Plan and who are invited to the hearing sessions may also submit Hearing Statements. This, however, is optional and is not a requirement of the hearings.
- 28) Statements should be concise and focused, and appendices should only be included where directly relevant and necessary. There is no need to re-submit previous consultation responses as part of Hearing Statements.
- 29) Statements should only answer the specific Questions which are directly relevant to the original representation and should clearly identify the relevant topic to which they relate. Statements should be provided for each Matter separately.
- 30) Statements must be submitted on time and received electronically by **6 September 2024**.
- 31) Representors not participating at the hearing sessions may also submit an additional Written Statement where necessary in direct response to the *Matters, Issues and Questions*. However, this is not an opportunity to introduce further arguments, and the format and length of Written Statements is the same as for Hearing Statements. No other written evidence can be submitted unless specifically requested by the Inspector.

### **Statements of Common Ground**

- 32) Statements of Common Ground between participants are encouraged where they assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the issues in dispute.
- 33) Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground, please make the Programme Officer aware.

### **Site visits**

34) Prior to, and during the course of the examination the Inspector will make site visits to the Plan area where necessary. Site visits will be carried out on an unaccompanied basis unless it is necessary to enter private land. In such circumstances, the Programme Officer will make the necessary arrangements with the relevant parties.

### **Examination Programme**

35) Based on the above, the examination timetable and relevant dates are as follows:

- **Tuesday 30 July 2024** – notification of the time, date, and location of all hearing sessions.
- **Friday 23 August 2024** – deadline for confirming with the Programme Officer if you wish to attend the hearings.
- **Friday 6 September 2024** – Hearing Statement deadline for all sessions.
- **Tuesday 17 September 2024** – Hearings begin.

### **Closing the Examination and the Inspector's Report**

36) Following the hearing sessions, the relevant findings will be set out in the Inspector's Report, or in some cases, through Interim Findings. The Report will be sent to the Council at the end of the examination and will set out the conclusions, and where necessary, any Main Modifications to make the DPD sound and/or legally compliant.

37) The examination will remain open until the Report has been submitted to the Council. During this time no further written submissions or evidence will be taken into account unless specifically requested.

*Clive Coyne*

Inspector