

Copeland Local Plan 2021-2038 Examination

Inspector: Caroline Mulloy BSc (Hons) DipTP MRTPI

Programme Officer: Miny Schofield

11 November 2022

EXAMINATION GUIDANCE NOTES

Introductions

1. The Inspector for the examination is Caroline Mulloy BSc (Hons) DipTP MRTPI. She has been appointed by the Secretary of State to hold the examination into the soundness of the Copeland Local Plan 2021-2038 and the Addendum (July 2022) (the Plan). These notes have been prepared to assist participants in the examination into the soundness of the Plan.
2. Miny Schofield has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. She is not a Council Officer and works to the Inspector's direction. Her principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library (mainly in electronic form); and to assist the Inspector with procedural matters.
3. She is your first point of contact and any procedural questions or other matters that you wish to raise with the Inspector prior to the hearing sessions should be made through her.

She can be contacted as follows: Miny Schofield, Programme Officer, c/o Strategic Planning Team, Copeland Borough Council, Market Hall, Market Place, Whitehaven CA28 7JG
email programme.officer@copeland.gov.uk, mobile 07799 724690.

The scope and purpose of the examination

4. The purpose of the examination is to determine whether the plan satisfied the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, whether the Council had complied with the duty to co-operate, and whether the Plan is sound.
5. The National Planning Policy Framework sets out the criteria for determining soundness; namely that the Plan is positively prepared,

justified, effective and consistent with national policy. Planning Policy Guidance also provides helpful advice.

6. The Council should rely on evidence collected while preparing the Plan to demonstrate its soundness. Those seeking changes have to demonstrate why the Plan is not sound and why their suggested changes would make it sound.
7. The starting point is that the Council have submitted a Plan which they consider to be sound, legally compliant and ready for examination. Nevertheless, the Inspector will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan. Under the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Council has asked the Inspector to recommend any Main Modifications that are considered necessary to make the Plan sound/legally compliant.
8. However, the Inspector can only recommend Main Modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. It is important to stress that the Inspector would not be able to rectify non-compliance with the duty to co-operate. 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 consultation and in some cases further sustainability appraisal and habitat regulations assessments might also be required.
9. Additional Modifications can also be made by the Council on adoption and are those changes which do not materially affect the policies in the Plan. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications'. The Council is accountable for any such changes and they do not fall within the scope of the examination.
10. The Council has already suggested a number of Main and Additional Modifications which were submitted alongside the Plan; however, these have not been subject to consultation. The most up to date schedule of proposed changes is available to view on the website. These may be discussed, where appropriate at the hearing sessions. It is possible that further Main Modifications may also be proposed and discussed during the hearings.
11. Following the close of the hearings the Inspector will prepare a report to the Council with her recommendations. This will deal with the broad issues concerning the soundness of the Plan, rather than specifically

with each individual representations.

12. There are three possible outcomes to the examination:

- The Council has complied with the duty to co-operate and the submitted Plan satisfies the legal requirements and is sound.
- The Council has complied with the duty to co-operate but the submitted Plan does not satisfy legal requirements and/or is not sound, but could be made sound by changes (known as 'Main Modifications'), if necessary following additional work.
- The Council has not complied with one or more of the above requirements, the submitted Plan is not sound and could not be made sound by changes.

Omission sites

13. Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to informally as 'omission sites'. Representors should be aware that it is not part of the Inspector's role to examine the soundness of omission sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions. Instead, should the situation arise that any additional sites are needed, the Inspector will look to the Council in the first instance to decide which alternative or additional sites should be brought forward (subject to consultation and sustainability appraisal if required).

Initial Questions (IQs), Matters Issues and Questions (MIQs) and hearing sessions

14. The Inspector has already provided some Initial Questions and comments to the Council which are available on the examination website, along with the Council's responses.

15. The Inspector's Matters, Issues and Questions (MIQs) have also been issued and these can be found on the Council's examination website. These set out a number of specific questions which will need to be addressed. The hearings session will allow these to be explored further with the Council and other participants, taking into account relevant representations made and any additional statements which the Inspector requests. The inspector will lead the discussion asking questions of the Council and allowing other participants to contribute. Those participants indicating a desire to speak will be given full opportunity to do so. Details as to the format of the hearings are given below.

16. It is proposed to conduct the hearings with “in person” sessions, to be held in the Bainbridge Room, The Copeland Centre, Catherine Street, Whitehaven, Cumbria, CA28 7SJ.
17. The hearing sessions are provisionally programmed to commence on 31 January 2023.
18. It is anticipated that the hearings will last for up to 11 days (including reserve sessions should any session overrun). Please note that the hearing sessions will commence at 9.30 am.
19. A draft hearings programme has been produced and published. This sets out the proposed times and dates for sessions dealing with each of the matters. The detailed programme may be subject to change nearer the time and participants should ensure that they check for any updates. It will be for the individual participants to check the progress of the hearings and to ensure they are present at the right time.

Participation in the hearings

20. The participants for each session will be those who made relevant and valid representations, including those who propose changes (and objection) to the Copeland Local Plan Regulation 19 published in January 2022 and subsequent Addendum, published July 2022 and have subsequently confirmed to the Programme Officer that they wish to speak.
21. Whether representors rely on written comments or wish to participate in the hearings, both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing.
22. Only those parties seeking specific changes to the Plan to make it sound and legally compliant are entitled to participate in the hearing sessions of the examination. Participation is limited to those policies or matters which were the subject of the original representation. There is no need for those supporting or merely making comments on the Plan to attend.
23. Anyone wishing to take part in a hearing session should confirm their participation with the PO by **5pm on Friday 9 December 2022**. Please indicate which hearing session(s) and matters you wish to participate in based on your previous representations and the MIQs.
24. Thereafter, those who wish to take part will be contacted again by the Programme Officer. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. The Inspector will only be hearing those parties who have made such

arrangements.

Hearing statements

25. The Council should produce an individual hearing statement for each matter and respond to each of the specific issues and questions set out in the MIQs. They should include specific reference to supporting evidence where appropriate but is not helpful to just to refer to a source of information in general terms. The Council is also asked to address key points raised in relevant representations when answering the questions.
26. Other participants may, if they wish, submit an additional written statement in advance of the hearings provided the content of further submissions seeks to address the questions the Inspector has raised, and the subject matter directly relates to the issues raised in original representations. **An individual statement should be submitted for each matter being addressed.** Representors should not seek to repeat comments already submitted or introduce new areas of objection to the Plan at this stage. They should explain which particular part of the Plan is unsound; explain why it is unsound; and say how the Plan can be made sound, explaining the precise change/working that is being sought
27. However, the submission of further written material is not a requirement and respondents may rely on their original submissions.
28. All statements should be succinct, concentrating on responding to the particular questions raised, and be limited to not more than 2,000 words on any one of the main matters. It should be made clear who is submitting the statement, including the **respondent reference number**, and to which matter it relates.
29. There is no need to include extracts from the Local Plan of the other examination documents or those in the public domains such as the Framework, clear cross referencing will suffice. 2 paper copies of each statement and an electronic version (in either MS Word or PDF format) should be provided to the Programme Officer.
30. All statements (from both the Council and other participants) should be sent to the Programme Officer for receipt by **5pm on Friday 23 December 2022**. Statements must be submitted by this strict deadline to enable the Inspector and others involved to fully digest them and prepare for the hearing sessions. Statements received after these deadlines will not be accepted.

31. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper or statement. In preparing statements everyone should be aware of the Council's updated list of evidence documents in the examination library on the examination webpage.
32. Hearing statements will be posted on the examination webpage, so that they are available to all participants and anyone who wishes to read them. Because they will be available as such, they will not be circulated directly to participants. Aside from these hearing statements no other written evidence will be accepted, unless the Inspector specifically requests it.

Hearing sessions format

33. During the hearing sessions there will be at least one short break mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Afternoon sessions will begin at 2.00pm. Any participant who has a disability that could affect their contribution to the examination should contact the Programme Officer as soon as possible so that any necessary assistance can be provided.
34. The hearings will focus on the MIQs arising from the tests of soundness and the representations made about soundness. I have attempted to make the MIQs as comprehensive as possible at this stage in order to assist in the progress of the examination. It may be that some of my points are addressed by the Council's responses to both my Initial Questions and the MIQs. Should this be so it may not be necessary to cover all the MIQs in the hearings which instead will focus on any outstanding matters and those the subject of representations.
35. Hearing sessions will generally take the form of structured round table sessions, providing an informal setting for dealing with issues by way of a discussion led by the Inspector. The Inspector will run the hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. Participants may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination. More detailed agendas will be circulated before the hearings.
36. Comments should focus on those aspects of the Plan that parties are seeking to change, it is for the Council to explain why it considers the Plan to be sound as submitted. The hearings will be conducted on the basis that everyone taking part has read the relevant documents. The hearing sessions should not be used to introduce new evidence or arguments.

The examination webpages and library

37. The examination has a dedicated series of webpages that can be accessed via the Council's website.
38. All the material produced for the examination, including the submission documents, the Council's evidence and documents relating to the hearings will appear on the examination webpage. If you do not have access to the internet, and require access to documents or other information please contact the Programme Officer.
39. Participants are encouraged to make use of the examination website and keep up to date with documents posted there:

[Copeland Council Local Plan Webpage](#)

40. Further general guidance about Local Plans can be found at:

<https://www.gov.uk/guidance/local-plans>

Site visit arrangements

41. The Inspector will view any relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary (for example where the land concerned cannot be seen from the public road). In such cases, the PO will liaise with the parties to make arrangements.

Close of the examination and the Inspector's report

42. Once the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, she will write her report. The report will not deal with omission sites. The examination itself remains open until the report is submitted to the Council. However, once all stages of the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which further comments have been requested.
43. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Caroline Mulloy

Inspector