

**NORTH ESSEX AUTHORITIES
Joint Strategic (Section 1) Plan**

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INSPECTOR'S GUIDANCE NOTE ON THE HEARING SESSIONS AND RELATED MATTERS**Background**

The examination began when the Section 1 Plan was submitted to the Planning Inspectorate on 6 October 2017, and it will finish when my report and recommendations are submitted to the North Essex Authorities.

The hearing sessions which begin next week are one part of the overall examination process. Their main purpose is to allow me to gain further information and evidence that I need in order to determine whether or not the Section 1 Plan is sound and legally-compliant.

Procedure at the hearing sessions

The hearings process is an inquisitorial one in which the inspector takes the lead in questioning and inviting comments from the participants. It is different from the adversarial process in a planning appeal inquiry, where the opposing parties put their cases and cross-examine each others' witnesses.

Since the Section 1 Plan was submitted I have spent several weeks reading the plan itself, the comments made on it during consultation, the evidence base documents, and the hearing statements and other written material that I have invited.

You should therefore assume that I am familiar with all the written material that has already been submitted. During the hearing sessions, please do not repeat anything you have already said in writing, unless I specifically ask you to do so, as it will take up unnecessary time.

Discussion at the hearing sessions will focus on the questions on which I require further clarification or discussion, after reading all the hearing statements and other written material. The hearing statements will provide a starting-point for that further discussion.

Usually I will direct each question first to specific participant(s). Other participants may then comment on what is said, provided your comments are relevant to the question asked. The North Essex Authorities will normally be

invited to make the last comment on each question, as they are the promoters of the Section 1 Plan.

I will not necessarily need to hear discussion on every question in my Matters, Issues and Questions document [IED003], if I consider that some have been adequately addressed in the written material. There will be an opportunity at the end of each hearing session for any additional points to be raised that have not already been covered.

The proposed garden communities

You will see that none of my issues and questions for Matters 1 to 5 specifically mentions the proposed garden communities. That is deliberate, as I intend that discussion about the proposed garden communities themselves will occur during the second week of the hearings, under Matters 6, 7 and 8.

Matters 1 to 5 will deal with other important aspects of the Section 1 Plan.

After the hearing sessions

There are essentially three possible outcomes to the examination¹:

- 1) My report concludes that the Section 1 Plan, as submitted, is sound and legally-compliant and may be adopted by the North Essex Authorities; OR
- 2) My report concludes that the Section 1 Plan, as submitted, is unsound and/or legally non-compliant and may not be adopted; OR
- 3) My report concludes that the Section 1 Plan, as submitted, is unsound and/or legally non-compliant, but that it can be made sound and legally-compliant if main modifications are made to it. Any such main modifications would be the subject of full public consultation before I make my recommendations. Provided that the North Essex Authorities make the main modifications I recommend, they could then adopt the plan.

After the hearings have finished, and I have had time to consider what is said at them, I may be in a position to decide which of those three outcomes will apply.

Alternatively, it may be that I need to ask the North Essex Authorities to carry out further work on certain matters before I am able to reach that decision. If I were to ask for any further work, it would normally be made available for comment by other examination participants, and I would also consider whether any additional hearing sessions were necessary.

I will write to the North Essex Authorities as soon as possible after the hearings close, to advise them of what the next steps in the examination will be.

Roger Clews, Inspector, 8 January 2018

¹ For further details, see sections 20 to 23 (inclusive) of the *Planning and Compulsory Purchase Act 2004*, as amended.