

Borough Council of King's Lynn and West Norfolk
Examination of the Borough of King's Lynn and West Norfolk Pre-Submission
Stage Local Plan Review, August 2021

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INSPECTORS' RESUMED HEARING EXAMINATION GUIDANCE NOTE

Note - This guidance note should be kept for reference throughout the Examination. It should be read in conjunction with the Inspectors' Examination Guidance Note [Document G2] and the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#) along with the published Schedule of Matters, Issues and Questions for the Examination Part 1 [Document G3], the Schedule of Matters, Issues and Questions for the Examination Part 2 [Document G6] and the attached **Additional Matters, Issues and Questions for the Examination Parts 1 and 2 [G24] Outline Programme for the Resumed Hearing [G23]**.

Document References in [square brackets] are to the **Examination Library Index** which can be viewed on the Examination webpage or obtained from the Programme Officer.

Items in bold italics are for particular note or action.

Key Dates for Weeks 3 and 4:

Advise Programme Officer of Participation	<i>Friday 16 February 2024</i>
Submission of a Hearing Position Statement for Week 3 (optional)	<i>Friday 8 March 2024</i>
Resumed Hearing (Week 3)	<i>Tuesday 26 to Thursday 28 March 2024</i>
Submission of a Hearing Position Statement for Week 4 (optional)	<i>Friday 29 March 2024</i>
Resumed Hearing (Week 4)	<i>Tuesday 16 to Friday 19 April 2024</i>

Key Dates for Week 5:

Inspectors issue Matters, Issues and Questions on Gypsies, Travellers and Travelling Showpeople	Tuesday 23 July 2024
Advise Programme Officer of Participation	Friday 26 July 2024
Submission of a Hearing Position Statement for Week 5 (optional)	Friday 16 August 2024
Resumed Hearing (Week 5)	Tuesday 3 to Wednesday 4 September 2024

Purpose

1. Before a local plan can be formally adopted, it must be subject to an independent Examination. The Borough of King's Lynn and West Norfolk Pre-Submission Stage Local Plan Review, August 2021 (the Plan) was submitted for Examination on 29 March 2022 and we have been appointed by the Secretary of State to examine it. We opened the Examination Hearing on 6 December 2022 and adjourned the Hearing on 11 January 2023, in order for the Council to undertake further work which has now mostly been completed. This note provides guidance on how the resumed Hearing will be run.
2. More information on the Examination process can be found in the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#). There is also a [short guide](#), which may be helpful, especially if you have not previously been involved in an Examination.

The Resumed Hearing and Examination Process

3. A summary of the resumed Hearing programme and some key sources of information are set out in the annex to this note.
4. The Examination will now move through the following stages, which are outlined in more detail in the Procedure Guide:
 - preparation of statements by the Council and other participants in advance of the resumed Hearing sessions
 - resumed Hearing sessions (including a Hearing session on the accommodation needs of Gypsies and Travellers in September 2024 following further work, including public consultation, currently being undertaken by the Council in respect of the identification of potential sites to meet their needs)
 - consultation on any main modifications (changes to the Plan)
 - Inspectors' final Report

5. 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 we conclude that more evidence needs to be prepared to help justify the Plan or to inform changes.

Consultation on Further Evidence

6. The Council undertook public consultation on the following documents between 8 September and 20 October 2023:

King's Lynn and West Norfolk Borough Council Gypsy and Traveller Accommodation Assessment (GTAA) (June 2023) [Document F44]

Topic Paper – Spatial Strategy and Settlement Hierarchy (August 2023)
[Documents F47 & F47a]

Update on Technical Note on Transport Evidence (April 2023)
[Documents F48, F48a and F48b]

Note – Retail Impact Threshold for Hardwick Road Area (April 2023)
[Documents F49, F49a and F49b]

Updated Housing Land Supply (April 2023) [Documents F50 and F50a-F50c]

West Winch Growth Area (WWGA) Topic Paper (April 2023) [Documents F51 and F51a-F51k]

Updated Position Statement: Wisbech Fringe – Land east of Wisbech (Policy F3.1 of the Submitted Local Plan) (March 2023) [Document F52]

Response to critique of the Viability Study (January 2023) [Document F53]

7. The Council has prepared a summary of the representations made to each of these documents [Documents J1 – J8] which includes the Council's responses, as well as any proposed changes it considers necessary to make the Plan sound. A full set of the representations made on the above documents has been provided to us and we will take them all into account. Copies of these representations are available in the Examination Library [Documents J9 – J59].

Additional Matters, Issues and Questions

8. Based on our initial assessment of the submitted Plan and its evidence base, we identified a number of Matters, Issues and Questions we wanted to explore further. They are set out in our Matters, Issues and Questions documents [Documents G3 and G6].

9. Following consideration of the further evidence set out above, along with the responses to it, we have prepared some additional questions. These are set out in our Additional Matters, Issues and Questions for the Examination [G24]. This should be read alongside Documents G3 and G6.
10. For clarity, where the discussion of Matters, Issues and Questions was concluded at earlier Hearing sessions, there will consequently be no further discussion of these. In all other instances, Matters, Issues and Questions in Documents G3 and G6 will be discussed either in isolation or alongside Additional Questions contained in our Additional Matters, Issues and Questions for the Examination [G24]. Agendas to be prepared in advance of the resumed Hearing sessions will list the Matters, Issues and Questions and/or Additional Questions to be discussed at each session.
11. Following the completion of the work currently being undertaken by the Council in respect of Gypsies, Travellers and Travelling Showpeople, we will prepare an addendum to the schedule of Matters, Issues and Questions which will set out further Additional Questions in respect of this topic. This will be published in accordance with the Examination programme summarised in the Annex to this Guidance Note.

Hearing Statements

12. The Council should produce a statement for each Hearing session responding to all our Additional Questions. Statements have previously been prepared in response to the Matters, Issues and Questions and there is no requirement for these to be repeated.
13. Other participants should only submit Hearing statements on the further evidence that they made representations about during the most recent consultation. However, if you feel that your representation adequately answers the questions we have raised, there is no need to submit a Hearing statement. Again, any statements previously prepared in response to the Matters, Issues and Questions need not be repeated.
14. Statements should be focussed and as short as possible, and in any event must contain no more than 3,000 words for each matter. They should:
 - clearly identify (by reference number/letter) which specific Additional Questions are being answered;
 - only answer the specific Additional Questions which are of direct relevance to your original representation; and
 - not introduce new evidence or arguments.
15. Appendices should only be included exceptionally if they are directly relevant and necessary and should not be used as a means of increasing the word-count. You should not attach any document over a page long as an appendix without first contacting the Programme Officer to check whether the Inspectors are content to accept it.

16. Because the Council must answer every question, it may be justified for them to go over the limit of 3,000 words per matter in some cases.
17. Please email electronic versions of your statement(s) to the Programme Officer in Word or PDF format by **1200hrs on Friday 8 March 2024** for Week 3; by **1200hrs on Friday 29 March 2024** for Week 4 and by **1200hrs on Friday 16 August 2024** for Week 5. If you are unable to email your statement, please contact the Programme Officer so that alternative arrangements can be made.
18. 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.
19. Once the date for submitting Hearing statements has passed, no other written evidence will be accepted throughout the Examination, unless we specifically request it. To be fair to all participants, the resumed Hearing should not be used to introduce additional evidence.

Statements of Common Ground

20. The National Planning Policy Framework (in paragraphs 24 to 27) states that local authorities should demonstrate effective and on-going joint working with neighbouring authorities and other prescribed bodies (the 'duty to cooperate') by preparing one or more statements of common ground.
21. It is also helpful for statements of common ground to be agreed between the Council and other participants - for example, with other Councils, public bodies and those promoting the development of particular sites. This is particularly desirable where there are significant unresolved issues relating to soundness or compliance with legal requirements. Wherever possible statements of common ground should be used to resolve these problems. Failing that they should define any remaining unresolved disagreements that could affect soundness.
22. If any further statements of common ground are to be prepared then they should, wherever possible, be completed by **Friday 23 February 2024**. They will be published as Examination documents so that other representors are aware of their contents before submitting their Hearing statements. This should not preclude the Council from continuing to engage on outstanding issues with other bodies, which may then result in an update to an existing statement of common ground, if that would help the Examination.

Resumed Examination Hearing Sessions

23. The resumed Hearing sessions are an important part of the Examination and will start at **1000hrs on Tuesday 26 March 2024**. The Hearing sessions will be held face-to face at **The Small Barn, Knight's Hill Hotel and Spa, King's Lynn, Norfolk PE30 3HQ**. The outline programme for the resumed Hearing

[G23] is being issued at the same time as this guidance note and will be on the Examination webpage. It contains details of the sitting days, but these can be summarised as follows:

Week 3 - Tuesday 26 March to Thursday 28 March 2024

Week 4 - Tuesday 16 April to Friday 19 April 2024

Week 5 - Tuesday 3 September to Wednesday 4 September 2024

24. Each Hearing session will consider a specific topic based on our Matters, Issues and Questions [Documents G3 and G6] and Additional Questions [G24]. A more focussed agenda providing further guidance for the discussion will be published in advance of each of the resumed Hearing sessions. The Hearing sessions will be run as a structured discussion which we will lead. There will be no formal presentation of cases or cross-examination of participants.
25. Anyone may attend a Hearing session as an observer, but only those who made a representation seeking to change the Plan have a right to speak and take part. The right to be heard only applies to the sessions relevant to the original representation. It is up to you whether you want to rely on the consultation response you made or if you want to take part in the Hearing. However, the Hearing sessions are not an opportunity to simply repeat a case already set out in written representations. All representations will be taken into account, regardless of whether they are made orally at a Hearing session or in writing.
26. If you have a right to take part and wish to do so, please contact the Programme Officer by **1200hrs on Friday 16 February 2024** (for Weeks 3 and 4) and by **1200hrs on Friday 26 July 2024** (for Week 5) indicating which session(s) in the published resumed 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 the specified date, it will be assumed that you do not wish to take part and you will not be listed as a participant in the resumed Hearing sessions.
27. Participants may choose to be represented by someone else, for example a professional expert.
28. 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 Hearing. However, we may invite additional people to take part if this would help us assess the Plan.
29. 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.

30. Where several representors or organisations wishing to take part in the Hearing have similar points, it will help us if they can arrange to be represented by one or two spokesperson(s). Please contact the Programme Officer to discuss this.
31. 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 resumed Hearing sessions.
32. The issues considered in local plan Examinations 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. We 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.

After the Hearing

33. During the resumed Hearing we will let the Council know about any changes to the Plan (main modifications) we think may be necessary. We may also write to the Council after the Hearing has ended, for example, if we are unable to reach conclusions in the Hearing on the need for some main modifications.
34. The Council will then draft the main modifications and agree them with us, before making them available for public consultation. We will consider any representations about them before reaching our final conclusions.
35. We will then prepare a Report for the Council setting out our conclusions and our recommendations on any main modifications that are needed. Our Report will deal with the main issues of soundness and any procedural and legal issues. We will consider all the points made during the course of the Examination. However, we will not be reporting on every issue, question or representation.

Close of the Examination

36. The Examination will close when our 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 main modifications we have recommended to make it sound.
37. The Council should publish our Report as soon as they reasonably can after receiving it. Once the Report has been issued our involvement in the Plan is over.

Karen Baker and Mike Hayden

INSPECTORS

Annex

Summary of the Examination programme

Weeks 3 and 4

Tuesday 13 February 2024 – Inspectors’ Additional Matters, Issues and Questions [G24], draft resumed Hearing programme for Weeks 3 and 4 [G23] and this guidance note [G22] published

1200hrs on Friday 16 February 2024 - Deadline to confirm with the Programme Officer whether you wish to exercise your right to appear and be heard at the resumed Hearing

1200hrs on Friday 23 February 2024 - Deadline for submission of Statements of Common Ground

1200hrs on Friday 8 March 2024 - Deadline for submission of Hearing statements for Week 3

1000hrs on Tuesday 26 March 2024 – Resumed Hearing sessions begin (Week 3)

1200hrs on Friday 29 March 2024 - Deadline for submission of Hearing statements for Week 4

1000hrs on Tuesday 16 April 2024 – Resumed Hearing sessions continue (Week 4)

Week 5

Tuesday 23 July 2024 – Inspectors’ Matters, Issues and Questions on Gypsies, Travellers and Travelling Showpeople published

1200hrs on Friday 26 July 2024 - Deadline to confirm with the Programme Officer whether you wish to exercise your right to appear and be heard at the resumed Hearing

1200hrs on Friday 16 August 2024 - Deadline for submission of Hearing statements for Week 5

1000hrs on Tuesday 3 September 2024 – Resumed Hearing sessions continue (Week 5)

Further sources of 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 government's [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)