

**Flintshire County Council**  
**Flintshire Local Development Plan (LDP) 2015 – 2030**  
**Examination**

---

**Guidance Notes for Participants**

**1. Introduction**

- 1.1. These Guidance Notes have been prepared to assist those individuals and organisations who wish to be involved in the examination into the soundness of the Flintshire Local Development LDP 2015 – 2030 (LDP). The preparation of a local development plan is a requirement of the Planning & Compulsory Purchase Act 2004.
- 1.2. Public consultation on the Deposit LDP took place between 30 September and 11 November 2019, in accordance with Regulation 17 of The Town and Country Planning (Local Development LDP) (Wales) Regulations 2005.
- 1.3. Flintshire County Council (the Council) considered all the representations received during the Deposit consultation before submitting the LDP for examination; the Council's Consultation Report<sup>1</sup> summarises the substance of the representations received and the Council's response.
- 1.4. Only those who made representations on the consultation specified at 1.2 above will be involved in the examination process; only those who consider the LDP to be unsound and who seek changes to make it sound are entitled to participate in the hearing sessions. There is no need for those supporting or merely making comments on the LDP to participate.

**2. Inspectors and Programme Officer**

- 2.1 The Ministers of the Welsh Government have appointed **Siân Worden BA DipLH MCD MRTPI** and **Claire MacFarlane BSc (Hons) MSc MRTPI** (the Inspectors) to hold the examination to assess the soundness of the LDP.
- 2.2 The Programme Officer (PO) for the examination is **Kerry Trueman**. She is acting independently of the Council and will work under the Inspectors' direction. She is responsible for organising the programme of hearings, maintaining the examination library, recording and publishing all material received, and assisting the Inspectors with procedural and administrative matters. Kerry will advise on any programming and procedural queries.

---

<sup>1</sup> LDP-KPD-CR1

- 2.3 Any matters which the Council or other participants wish to raise with the Inspectors should be addressed to the PO, preferably via email.

She can be contacted by telephone on 07582 310364 or by email at [kerry.trueman@Flintshire.gov.uk](mailto:kerry.trueman@Flintshire.gov.uk)

### **3. Purpose of the examination**

- 3.1. The purpose of the examination is to examine the soundness of the LDP. It is important to note that the examination covers the whole process of examining the LDP, from the time of confirmation of submission of the LDP to the Welsh Government to receipt of the Inspectors' Report by the Council.
- 3.2. The Inspectors' role is to consider whether the LDP meets the requirements of Sections 62-64 of the 2004 Act and associated regulations and whether it complies with the tests of soundness set out in paragraph 6.26 and Table 27 of the Local Development Plan Manual (2020)<sup>2</sup>. There are three tests: whether the LDP is consistent with other relevant documents; whether the LDP is appropriate for the area in the light of the evidence; and whether the LDP is deliverable and effective. The Council should rely on evidence used in preparing the LDP to demonstrate that it is sound. Those seeking changes to the LDP must demonstrate why the document is not sound and how the changes they suggest would make it so.
- 3.3. The starting point for the examination is to examine whether the submitted LDP is sound. In examining soundness the Inspectors will consider the representations made to the submitted LDP but only insofar as they relate to the tests of soundness. The Inspectors are not required to determine and report in relation to each and every point made in every objection but will use the representations as the starting point in considering whether the LDP is sound.
- 3.4. The Inspectors must also exercise their duties under Section 39 of the 2004 Act with the objective of contributing to the achievement of sustainable development. At the end of the examination process the Inspectors will produce a binding report containing recommendations and the reasons for their recommendations.
- 3.5. The hearing sessions of the examination are intended to be an inquisitorial process under the Inspectors' direction, rather than the previous, more adversarial interaction between Council and objectors which occurred at local plan and unitary development plan inquiries. The participatory parts of the LDP examination will generally be a series of virtual round table sessions led by the Inspectors and addressing particular topics or issues rather than individual representations. The topics identified for discussion arise from questions as to the soundness of the LDP which have been raised by the representations or identified by the Inspectors.

---

<sup>2</sup> Edition 3, published by Welsh Government

- 3.6. National policies as such will not be debated but the examination will consider their application and implications where such matters arise from the policies and proposals within the LDP. It is not the purpose of the examination to recommend changes to a LDP which is sound in order to improve it in other respects.
- 3.7. At the end of the examination the Inspectors will submit their report to the Council with conclusions and recommendations on the actions or changes needed, if any, in order to make the LDP sound. These recommended modifications are binding on the Council and must be made before the LDP is adopted by the Council.
- 3.8. The following documents provide the procedural framework for the conduct of the examination:
- Local Development LDP Manual, Edition 3, Welsh Government, 2020.
  - Part 6, Section 62-72 of the Planning and Compulsory Purchase Act 2004.
  - Town and Country Planning (Local Development Plans) (Wales) Regulations 2005
  - Local Development LDP examinations – Procedure Guidance, Planning Inspectorate Wales, 2015.
- 3.9. Participants should familiarise themselves as appropriate with the relevant parts of the above documents. Most of the guidance to procedures is set out in the LDP Manual and the Planning Inspectorate's procedure guidance. These and other relevant planning policy and guidance documents are available to view/download from the examination website.

#### **4. Pre-Hearing Meeting**

- 4.1. The PHM will take place on **Tuesday, 12 January 2021** at **2:30pm**. The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the management of the examination, including the programme for the hearings, the matters to be examined and related questions, the running order and participants, the methods of dealing with representations, the timetable for submitting any additional material that may be required (including hearings statements), and any other relevant matters.
- 4.2. The content and merits of the LDP and the representations will not be discussed at this meeting, although the Inspectors may identify issues or topics on which they feel additional material is required to assist them in considering the soundness of a particular aspect.
- 4.3. At the PHM the Inspectors will ask the Council a series of procedural questions to confirm that the LDP has been prepared in accordance with the statutory procedures under Section 64(5)(a) of the 2004 Act and associated regulations, and that it is supported by a Sustainability Appraisal. They will also clarify the position in respect of the Community

Involvement Scheme and the Delivery Agreement. All relevant documents are available on the examination website.

- 4.4. The agenda PHM is included at the end of these notes as Appendix A. A Note of the PHM, the Draft Hearing Sessions Programme, and the Inspectors' Matters and Issues will be published on the examination website shortly after the PHM. Representors are also advised to regularly check the examination webpage to keep themselves up to date as the examination progresses. Periodically there will be "latest news items" posted.
- 4.5. The Council will advertise the date of the PHM giving at least 4 weeks' notice.

## **5. Representations received on the LDP**

- 5.1 Under Regulation 22(2)(iv) of the LDP Regulations, the Council has confirmed that, with regard to the Deposit LDP consultation, 1281 duly made representations were received from 657 different respondents.

## **6. Methods of considering representations**

- 6.1 There are two main ways in which the Inspectors will consider representations made on the LDP:
  - **Written representations:** Based on the original representation and the Council's response on the matters raised. The Inspectors may also seek additional information by way of clarification. Most representations will be considered by this method. Written representations are not discussed at the hearings and attendance at the hearing sessions is not necessary.
  - **Oral representations:** Where representors have indicated that they wish to have an oral hearing\*, relevant matters in the representations will be dealt with at programmed hearing sessions of the examination. At these, the Council and other participants will debate the main points on the key issues identified by the Inspectors in a structured and informed discussion directed by them.

***\*NB Only those who have submitted a duly made objection to the Deposit LDP have a right to be heard and may participate in hearings relevant to their objection.***

Both methods carry the same weight and the Inspectors will have equal regard to views put orally or in writing.

- 6.2 The strategy, policies and allocations in an LDP should be realistic and appropriate having considered relevant alternatives and should be founded on a robust evidence base.

- 6.3 The Inspectors will start from the position that the Council has submitted a strategy, policies and allocations which it considers to be sound. The Inspectors will not look beyond the LDP's strategy, policies and allocations unless they conclude otherwise.
- 6.4 The focus of the examination will be on assessing whether or not there are sufficient deliverable allocated sites to meet the identified need. This may involve looking at the soundness of individual allocated sites. Promoters of other sites will be allowed to exercise their right to be heard and put arguments on these issues if they have submitted objections outlining what their concerns are. They are not able, however, to promote the merits of their own sites.
- 6.5 The Inspectors are not required to report on each and every point nor are they required to report on individual other sites. Only if it is concluded that there is a need for other sites to meet the housing requirement or that the allocated sites may be unsound will the Inspectors ask the Council to put forward other sites and consider the need for additional hearing sessions.

## **7. Procedure at the Hearing Sessions**

- 7.1 The Council will advertise the start of the hearing sessions at least 6 weeks in advance. It is anticipated that they will commence on **Tuesday 23 February 2021**. The dates for the hearing sessions will be set out in the draft hearings programme and timetable which will be on the examination website and updated as necessary.
- 7.2 The focus of the hearing sessions will be on the soundness of the LDP having regard to the tests of soundness concerning procedural requirements and the LDP's consistency, coherence and effectiveness. A separate hearing session of the examination will be held for each of the main topics identified in the programme. The sessions will take the form of a discussion led by the inspectors where the Council and those who wish to be heard discuss the key points identified.
- 7.3 Participants may have professional representatives to speak on their behalf and may ask questions about the evidence but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no requirement for participants to have professional or legal representation.
- 7.4 At the start of each session the Inspectors will set out an agenda with the points for discussion on each topic. The discussion will focus on the matters and issues identified in the agenda and the questions posed. The Inspectors will begin by making a few brief comments on the matters to be covered before inviting participants to make their contribution to the debate. The session will progress under the Inspectors' guidance, drawing participants into the discussion in such a way as to enable them to gain the information necessary to come to a firm conclusion on the relevant issues.

- 7.5 When the further statements, invited by the Inspectors, are published on the website and updated "latest news" item will be added. Participants should familiarise themselves with these and any representations that are relevant to the hearing sessions they are involved in. A summary of the representations can also be viewed on the examination website. The hearings will be conducted on the basis that everyone taking part has read the relevant documents although participants will be able to refer to and elaborate on relevant points as necessary.
- 7.6 The Inspectors will endeavour to progress the hearing sessions in an effective and efficient manner, keeping a firm hand on the discussions and time taken. As part of that process, the Inspectors will aim to minimise the amount of material produced to only that necessary to enable them to reach informed conclusions on the issues. They will also deter repetitious oral presentation or discussion which does not focus on the evidence.
- 7.7 Anyone who requires assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made.
- 7.8 Participants at the Pre-Hearing Meeting and hearing sessions are welcome to use the Welsh language and a translation facility will be made available.

### **Format**

- 7.9 The PHM and hearing sessions will be digital: that is, they will be held on the online platform Zoom with all participants, including the inspectors, the PO, and the Council team, and observers logging in via computers. They will also be open to observers in the same way as in-person events are. More information and instructions on how to join or view the PHM and hearings will be provided nearer to the time. If you would like to participate (and meet the criteria to do so) or observe, but do not have access to a suitable computer or smart phone, please contact the PO in order to discuss your needs.
- 7.10 Please bear in mind that digital events are new and all parties will probably be unfamiliar with the process and technology. We will, therefore, appreciate your patience and cooperation during the PHM and hearings. These will, however, operate in much the same way as normally, although there will clearly need to be some differences to ensure they run smoothly. You can be assured though that all participants will be given a chance to address the points raised by the Inspectors.
- 7.11 As all parties will be working from screens, which can be intensive and tiring, the Inspectors will ensure there are regular breaks. These are likely to be every 90 minutes or so.
- 7.12 During the events please could you keep your camera and microphone turned off until you are invited to speak. Depending on the platform, there will be a function, for example a raised hand button, by which you

will be able to indicate that you would like to speak. Observers at hearings are not able to speak and should ensure that their microphones and cameras are kept turned off throughout the session. Please could you also ensure that if you have a telephone near you, it is turned to silent or divert.

- 7.13 As this is a new format, it is possible that issues may arise during the events that we are not expecting. If any of the participants suffer any IT problems such as losing their connection to the event, in the first instance we will adjourn, initially for 5 minutes. In that period, you should try and log straight back in, in the same way as you did before the event began.
- 7.14 If the problem persists then the adjournment may be longer and if it can't be resolved, we may need to adjourn to another day. Please will you keep the PO's telephone number to hand during digital events so that you can keep her informed if you do have problems.

## **8. Hearings Programme**

- 8.1 The hearing sessions of the examination are likely to last for several weeks with breaks. It is intended that a draft hearing programme which reflects the main topics for discussion will be made available on the website shortly before the PHM. Representors with duly made representations relating to these topics will be invited to participate in relevant sessions.
- 8.2 Every effort will be made to keep to the programme but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time and on occasion it may be necessary to extend the debate into the afternoon session. The PO will inform the participants of any late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme, principally by checking the examination website.

## **9. Preparation and submission of further material**

### **Examination library**

- 9.1 The core documents, including all those which have informed the LDP's development and the evidence base, are all available to view/download from the examination website library  
<https://www.flintshire.gov.uk/en/Resident/Planning/LDP-Examination-ub-Pages/Examination-Library.aspx>

It is our intention to print as few paper copies of documents as possible. Anyone wishing to view paper copies of any of the examination documents should contact the PO. The core documents also refer to relevant national policy and guidance, background papers, existing LDP and SPGs, and any other documents the Council are likely to reference.



- 9.2 Participants should ensure that any additional documents they intend to refer to are added to the examination library by arranging for such documents to be sent electronically to the PO.
- 9.3 Any further written submissions or other material requested by the Inspectors will be added to the examination library as it is submitted. Participants should check the examination website regularly for updates.

### **Submission of further written statements and other material**

- 9.4 The representations already made during the Deposit consultation should include all the points, documents and evidence to substantiate representors' cases. Participants should not, therefore, submit any further material based on their original representations. Please note that although representors may have made representations at earlier stages of the LDP process, the Inspectors only have copies of representations made at the Deposit stage onwards.
- 9.5 Any further statements sought by the Inspectors from representors should address the matters and issues identified by the Inspectors and be submitted **at least two weeks** before the relevant hearing session. The deadline for submission of further statements will be set out on the draft hearings programme.
- 9.6 Essentially, the Inspectors need to know from further statements:
- Which particular part of the LDP is unsound? (the policy/paragraph/page of the LDP)
  - Which soundness test(s), set out in Table 27 of the LDP Manual, does it fail?
  - Why does it fail?
  - How can the LDP be made sound?
  - What is the precise change/wording that is being sought?
- 9.7 The Matters and Issues paper will be available on the website around the time of the PHM. From the Council, the Inspectors will need a written response to each of the questions asked in the matters and issues paper, setting out why it considers the LDP to be sound and why, if appropriate, the changes sought by other parties would make it unsound.
- 9.8 All submissions should be succinct and avoid unnecessary detail and repetition. There is no need for verbatim quotations from the LDP or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for new points or evidence to be presented for the first time. Statements from representors should focus on the issues identified by the Inspectors.
- 9.9 Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground (SCGs) can be a useful way



of narrowing the issues in dispute and should be submitted within the timescales set out above.

- 9.10 There is no need to prepare a further statement if all the points raised in the matters and issues paper, and the questions listed in paragraph 9.6 above, are already covered in the original representation. It would be helpful for participants to notify the PO if they do not intend to submit further statements.
- 9.11 Participants who do wish to submit further written statements in response to the matters and issues should bear in mind that a separate statement for each hearing session topic is required. The PO will require an electronic version only (unless the PO subsequently contacts you requesting paper copies).
- 9.12 Statements should be no longer than 3,000 words each and any statements which are excessively long or contain unsolicited material may be returned.
- 9.13 Supporting technical evidence should be limited to appendices and should be clearly related to the case. Any supporting material should be limited to that which is essential. Extracts from any documents that are already in the examination library are not necessary. There is no need for summary statements. All statements should be marked with the representor's reference number (this is the Consultee ID No quoted on correspondence from the PO).
- 9.14 There are limitations to the Council's ability to accept large documents submitted via email to the Programme Officer. Any e-mails with file sizes of above 20MB may be rejected.
- 9.15 All participants should adhere to the timetable for submitting further statements. Late submissions and additional papers are unlikely to be accepted on the day of the relevant session since this can cause disruption, and result in unfairness, and may lead to an adjournment of the hearing. If material is not received by the stated deadlines the PO will assume that no representations are to be made by that participant.

## **10. Availability of information**

- 10.1 The PO will maintain the examination library online at the examination website. This will contain the core documents including copies of the LDP and associated documents as well as summaries of all representations. The library will also include examination documents comprising further representations, statements and related correspondence as received. The library will be under the supervision of the PO who will assist anyone wishing to view any document.

## **11. Site visit arrangements**

- 11.1 As part of the examination, the Inspectors will carry out a familiarisation tour of the area, visiting locations referred to as necessary on an unaccompanied basis. If participants consider there are exceptional reasons for an accompanied visit, they should discuss this with the PO.

## **12. Close of the examination**

- 12.1 The examination will remain open until the Inspectors' report is submitted to the Council. However, the Inspectors will not accept any further representations or evidence after the hearing sessions have finished except at their specific request. Any late or unsolicited material is likely to be returned.

## **13. Submission of Inspectors' Report to the Council**

- 13.1 After the examination has closed, the Inspectors will submit the Report with binding recommendations to the Council. The date of submission will largely depend on the content, extent and length of the examination. The Inspectors will confirm the likely date by which the report will be submitted once the hearings sessions have been completed.

SW/CMacF Dec 2020

### **KEY DATES**

<b>Council submission of LDP for examination</b>	<b>6 November 2020</b>
<b>Pre-Hearing Meeting</b>	<b>12 January 2021</b>
<b>Deadline for submission of written statements responding to matters &amp; issues for examination</b>	<b>At least two weeks prior to relevant hearing</b>
<b>Hearing sessions commence</b>	<b>23 February 2021</b>