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# **London Borough of Brent Council**

## **Examination of the Brent Local Plan**

### **Guidance Note for people participating in the Examination**

Inspectors: Christa Masters MA MRTPI  
Andrew McCormack BSc (Hons) MRTPI

Programme Officer: Andrea Copsey  
Examination Office  
PO Box 12607  
Clacton-on-Sea  
Essex  
CO15 9GN  
Phone: 07842 643988  
Email: [copseyandrea@gmail.com](mailto:copseyandrea@gmail.com)

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## Introduction

1. We are Christa Masters and Andrew McCormack, the Planning Inspectors appointed by the Secretary of State to independently examine the soundness of the London Borough of Brent Local Plan ('the Plan'). We have prepared this Guidance Note. Its purpose is to explain the procedural and administrative matters relating to the examination.
2. The Programme Officer (PO) for the examination is Andrea Copsey. Her contact details are given on the cover of this note. She is acting as an independent officer for the examination, under our direction. The PO will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting with procedural and administrative matters. She will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise with us should be addressed to Andrea Copsey.

## Purpose and scope of the examination

3. Our role is to consider whether the Plan meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework 2019 (NPPF).

To be sound the Plan must be:

**Positively prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

**Justified:** the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;

**Effective:** deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and

**Consistent with national policy:** able to achieve sustainable development in accordance with the NPPFs policies.

4. People seeking changes to the Plan have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to soundness and legal requirements. However, our report will not refer to representations individually.
5. At this advanced stage of the process, any further changes to the Plan should be limited. The Council cannot itself now make any 'main modifications'. Any changes needed to remedy soundness problems can only come about through a recommendation in our report.

## The Matters, Issues and Questions for the examination

6. We have set out the matters which will form the focus for the examination and the hearings going forward. They are shown on the Schedule of Matters, Issues and Questions ('the MIQs') accompanying this Guidance Note.

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7. In normal circumstances, we would now invite written statements in response to these MIQs and set provisional dates for face-to-face hearing sessions. The situation with Coronavirus means that it is not possible to hold such events at present and the timeframe for their resumption is uncertain. However, having regard to the *Written Ministerial Statement – Responding to Covid-19 Restrictions* (the WMS) and the *Planning Inspectorate’s associated advice on Local Plan Examinations* (dated 13 and 28 May 2020 respectively), it is important to progress the examination including by means other than conventional hearings if necessary.
  8. Therefore, in order to take the examination forward, we are now inviting statements in response to these MIQs. We will then use them to refine a list of issues which require further investigation and to decide upon the best means of obtaining the relevant information. This might include digital hearings as explained in the WMS, and the Planning Inspectorate is currently trialling this method. It is also possible that certain matters could be dealt with by a process of written exchange. If the statements themselves provide sufficient information in respect of certain issues, we will base our assessment upon the evidence therein as further investigation would not be necessary. The Schedule of MIQs has been circulated to representors with this note and is also available on the examination webpage.

## **Representations and written statements**

9. The views of representors can be considered in three ways:
  - a) you can rely on the written representation you have already made;
  - b) you can, if you wish, also submit a written statement responding to the MIQs we have issued alongside this note; or
  - c) you can, if you wish and are entitled to do so, participate in the hearing sessions.
10. Everyone who has made a representation about the Plan during the pre-submission consultation that took place between 24 October and 5 December 2019 can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. There is no need to prepare a further statement if all the points are already covered in the original representation.
11. For those who do choose to provide statements, they should directly address the matters we have identified in the Schedule of MIQs.
12. All statements from representors should:
  - a) relate solely to the matters raised in their earlier representation;
  - b) explain which particular part of the Plan is unsound;
  - c) explain why it is unsound, having regard to the National Planning Policy Framework;
  - d) explain how the Plan can be made sound; and
  - e) explain the precise change/wording that is being sought.
13. From the Council, a written statement in response to all of the matters is required. These statements should include full and precise references to the evidence base to justify the policy and to demonstrate that the Plan is sound. They should also include references to any main modifications the Council considers necessary to make the Plan sound and set out the Council’s position on changes sought by other

parties, where relevant.

14. All written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the Plan, national planning policy or other core documents (references will suffice). Nonetheless, it is vital that the fundamental elements of cases are set out clearly and concisely, since the hearings are not the place for new points or evidence to be presented for the first time.
15. Please note that it is not our role to 'improve' the Plan. We can only recommend main modifications to rectify issues of soundness.
16. Representors should attempt to reach agreement on factual matters and evidence before the hearings start and we strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground can be particularly helpful and are especially welcomed.
17. Two paper copies (not bound) of each written statement should be sent to the PO no later than **4pm on Wednesday 26 August 2020**. If material is not received by this deadline, the PO will assume that written statements are not being provided. Where possible, an electronic copy should also be provided. Statements should be no longer than 3,000 words for each matter. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices and should be clearly related to the case being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
18. Participants should adhere to the timetable for submitting written 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 the hearing being adjourned.
19. We will not accept any further representations or evidence after the hearing sessions have finished unless we specifically request it. Any late or unsolicited material is likely to be returned.

## Site visits

20. Where necessary, the Inspectors shall visit sites and areas referred to in the representations and statements before, during or after the hearings. These visits will generally take place unaccompanied by any other parties, unless access to private land needs to be arranged.

## Participation at hearing sessions

21. Only those who have made representations seeking to change the Plan have a right to appear before, and be heard by, the Inspectors.<sup>1</sup> However, it is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at a hearing session is only necessary if, in light of the MIQs, you have specific points you wish to contribute.
22. People who are able to participate in the forthcoming hearing sessions are those

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<sup>1</sup> S20(6) of the Planning and Compulsory Purchase Act 2004

who made representations seeking to change the Plan under Regulation 20 (ie when the Council invited representations before submitting the Plan for examination) where their representation relates to a point that is among the matters for the examination.

23. If you have a right to be heard, and you wish to exercise that right, you should contact the PO by 4pm on Wednesday 12 August 2020 indicating the appropriate Matter session you wish to attend. You need to do this regardless of what you may have indicated previously. Please note that if you do not contact the PO by that date it will be assumed that you do not wish to appear and be heard, and you will not be listed as a participant. You should only request to be heard at a hearing session if you have made a relevant representation seeking a change to the Plan. However, the hearing sessions are open for anyone to observe.

## **Next steps**

24. In consultation with the Council, we will continue to explore the best means of taking the examination forward following receipt of the written statements and have received confirmation from those who wish to exercise their right to appear at the hearings. The examination website will continue to be updated with the latest developments in this regard including formal notification of the hearing sessions in due course.
25. The PO will maintain the Examination Library online on the Examination website. This contains all the core documents, copies of the evidence base, associated documents and representations. The library will also include further written statements and related correspondence as it is received. The PO will also maintain a record of all documents submitted.

## **Our report**

26. After the hearings have closed, we will write a report setting out our conclusions about the soundness of the Plan including, if appropriate, recommendations on any actions or modifications we consider necessary to make it sound.
27. The examination will remain open until our report has been submitted to the Council. However, as mentioned above, we will not accept any further representations or evidence after the hearing sessions have ended unless we specifically request it. Late or unsolicited material may be returned.
28. We trust that you find this Guidance Note helpful. If you have any further questions, please contact the Programme Officer Andrea Copsey – she will be happy to assist if at all possible.

*Christa Masters and Andrew McCormack*

Inspectors

**14 July 2020**

## Reminder of key dates

Deadline to confirm with the Programme Officer whether you wish to exercise the right to be heard if you made a relevant representation seeking a change to the Plan indicating the appropriate Matter.	<b>4pm, Wednesday 12 August 2020</b>
Deadline for submission of Hearing Statements (including from the Council)	<b>4pm, Wednesday 26 August 2020</b>