

Document EX/INS/2 - Email thread between Programme Officer and Walsingham Planning

From: Carole Crookes [<mailto:carole.ipos@gmail.com>]

Sent: 03/05/2017 10:46

To: Helen Binns < >

Subject: RE: Hartlepool Local Plan Examination

Dear Helen

Thank you for your emails regarding attendance at the Hartlepool Local Plan examination hearings. I have liaised with the Inspector on the points you have raised who has advised the following:

Section 20 of the Planning and Compulsory Purchase Act 2004 applies to the independent examination. Sub-section (6) states that *"Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination."* This broad premise is repeated at paragraph 3.11 of the Inspectorate Procedural Practice note although the phrase *"seeking a change to the plan"* needs illumination. The 2012 Town and Country Planning (Local Planning) (England) Regulations provide helpful illumination, in legal terms, about the sequence of plan preparation and what will be examined.

Representations at a Regulation 18 stage, when the Plan content was relatively fluid, are different from those made when the advanced Plan content was published prior to submission for examination to be tested for soundness. It is recognised that there are particular circumstances that inhibited further representations being made on behalf of your client at the Regulation 19 stage but no explanation as to why contingency arrangements within the consultancy were not in place to provide cover for your client at this critical 6 week time for the Hartlepool Local Plan.

Accordingly, under the sequence, Regulation 19 is the stage when those who assert that the Plan is not sound are expected to put forward those changes to the published plan which would be necessary to make it sound. Regulation 20(1) states that *"Any person may make representations to a local planning authority about a local plan which the local planning authority propose to submit to the Secretary of State."* Regulation 23 states that *"Before the person appointed to carry out the independent examination under Section 20 of the Act makes a recommendation under Section 20(7) (7A) or (7C)(1) of the Act the person must consider any representations made in accordance with Regulation 20."* Regulation 20 sequentially and directly follows Regulation 19 as part of a stepwise approach. This is amplified at paragraph 5.3 of the Inspectorate's Procedural Practice note:

"5.3. Parties making late requests to attend hearings who have not submitted representations in accordance with the statutory timetable for consultation responses (the specific dates are set by the LPA), will have no legal right to be heard, although they may attend as observers. Inspectors will adopt a robust approach and refuse to hear late representations that are not made in accordance with the provisions of regulation 20".

Taking all of the above into account, the Inspector does not consider that a representation made at an earlier Regulation 18 stage provides a route to be heard. To do so would put to one side the sequential approach to plan preparation in the Regulations which culminates in an examination focusing on those modifications which would be necessary to make a published plan sound. The Inspector is not aware of another Local Plan examination that has enabled only those who made representations at Regulation 18 to appear/be heard.

The Council is required at Regulation 22 to publish a statement setting out a summary of the main issues raised by the representations at Regulation 18 on the Preferred Options document and how those representations have been taken into account. As such the Inspector will be aware of the main issues raised on this earlier draft of the document as presented in submitted document (reference HLP016).

Regards

Carole Crookes

Independent Programme Officer Solutions

9 Chestnut Walk, Silcoates Park

Wakefield, West Yorkshire. WF2 0TX

Phone: 07397 909822

Email: carole.ipos@gmail.com

From: Helen Binns []

Sent: 02 May 2017 14:57

To: Carole Crookes <carole.ipos@gmail.com>

Subject: RE: Hartlepool Local Plan Examination

Carole

It is correct to say that we only submitted representations to the Local Plan Preferred options in summer 2016. The reasons for this is I do not believe we received notification of the Publication Local Plan being out for consultation at the end of last year, although I was off work following an operation at the time and may have missed the email.

However, notwithstanding that fact, I believe we still have a right to be heard at the examination. The right to appear and be heard is limited to those persons defined in Section 20 (6) of the Planning and Compulsory Purchase Act 2004 (see para 3.11 of the Planning Inspectorate 'Procedural Practice in the Examination of Local Plans – June 2016). You state in your email section 20 (6) of the Town and Country Planning (Local Planning) (England) Regulations 2012, however I cannot see that this exists as Section 20 in these regulations is limited to three sub sections.

Section 20 (6) of the Planning and Compulsory purchase Act 2004 (as amended) defines such a person as anyone who makes representations seeking to change a development plan document. Importantly it does not specified that it is limited to a person who makes presentations to a 'Publication Local Plan Document'. It goes on to states that any such person, if he so requests, must be given the opportunity to appear before and be heard by the person carrying out the examination.

Having regard to this fact and given that we have clearly made representations to the plan under the terms of Section 20 (6), I believe that having we are entitled to appear before and be heard at the Local Plan examination.

I look forward to hearing from you shortly and receiving your confirmation that we can participate in the hearing sessions and appear at the examination.

Kind regards

Helen

From: Carole Crookes [<mailto:carole.ipos@gmail.com>]
Sent: 29 April 2017 13:00
To: Helen Binns < >
Subject: RE: Hartlepool Local Plan Examination

Dear Helen

I am in the process of preparing the schedule of those who have indicated that they wish to participate in the hearing session at the Examination of the Hartlepool Local Plan. Appearance is limited to those who made written representations at the publication stage which end 3 February 2017. I have been checking the database of representations made and I am unable to find the representation made at the publication stage. I can only find a representation made on behalf of Mr Dacre at the draft publication stage (Ref: DP0208). Neither can I find any record of any other representation made on behalf of your client. I am aware that clients change their agents and their company names so would you be able to provide me with more information so that I can find the corresponding representation. Hartlepool Borough Council acknowledged each representation made and issued a unique reference number for each representation. Could you provide me with this unique representation number please so that I can add you to the schedule?

Can you please deal with this as a matter of urgency and reply to me by the end of business on Tuesday 2 May?

Kind regards

Carole Crookes

Independent Programme Officer Solutions
9 Chestnut Walk, Silcoates Park
Wakefield, West Yorkshire. WF2 0TX
Phone: 07397 909822
Email: carole.ipos@gmail.com

From: Helen Binns []
Sent: 25 April 2017 16:50
To: Carole Crookes <carole.ipos@gmail.com>
Subject: RE: Hartlepool Local Plan Examination

Dear Carole

Please accept this email as confirmation that we wish to appear at the examination to present the representations of our client orally.

Our interest is in the employment and retail and commercial development policies.

I would be grateful if you could confirm receipt of this email in due course.

Kind regards

Helen Binns

Principal Planning

Walsingham Planning