

**Independent Examination of the Lewes District Council Local Plan
Part 2
Inspector's Opening Address
Tuesday 2 April 2019**

1. General Introductions

- **Good morning**, ladies and gentlemen.
- It is **10:00** o'clock and the Examination Hearings are now open.
- Can everyone **hear me**?
- My name is Mike Fox, and I am a chartered town planner.
- I have been appointed by the Secretary of State for Housing, Communities and Local Government to hold the Examination into the legal compliance and soundness of the Plan for the Lewes District Council Local Plan Part 2, which I shall refer to as **the Plan** on most occasions from now onwards.
- Following the closure of the Hearings, my next task is to prepare a **report to the Council** with my conclusions and the action it needs to take with regard to the soundness of the Plan.
- On receipt of my report, the Council should amend the Plan in the light of the **main modifications**, which the Council has suggested in response to the issues raised during the Examination and move swiftly to its formal adoption.
- The Examination **remains open** until I submit my **report to the Council**; however, once the Hearing sessions part of the Examination is completed, I can receive **no further information** from any party, unless it is a matter that I have specifically requested. Any unsolicited items will be returned.

2. Role of Programme Officer

- Alongside me is **Claire Jones-Hughes**, who is part of the Programme Officer Team. For the purposes of this Examination, she is working as an **impartial officer** at my direction and is responsible for all the administrative arrangements for the Examination.
- Details of how to contact her are set out in my **Guidance Note**, and for the avoidance of any doubt, her contact details are the same as for Chris Banks, so no communications will be lost between them.
- Claire is responsible for the Examination **Library** and List of Core Documents, which participants are welcome to consult by arrangement.
- She also acts as a channel of communication between me and the parties, including the Council; she will be able to advise you on any programming matters, and all **procedural queries** should be addressed to her in the first place. She will then pass them on to me.
- Claire is also on top of the **Hearings programme**, and will be the key contact person to know the updated position; with the best will in the world, changes to the programme do sometimes occur.

3. Housekeeping points

- The Council will now explain the **housekeeping arrangements** for today. [Fire alarm and evacuation procedures; location of toilets; and refreshments if available.]
- The Council's documents are on the **Examination website**, which is kept up-to-date. The website also contains copies of relevant documents relating to the Examination, including further submissions relating to the issues identified in the programme and on which discussions at each of the sessions will be based.

- Are the **press** present? If so, please fill in the attendance list to ensure that you will be sent a copy of my report in due course.
- Is anyone planning to make a recording or take photographs? [Does anyone have a problem with this?]
- [There is a daily **attendance list** near the door that we would like you to complete, please, for the PO's records.]
- I have to remind everyone that there is **no smoking**, including vaping, in this room at any time, and please switch all **mobile phones** to silent whenever the Examination is in session, please.
- I intend to have mid-morning and mid-afternoon **breaks**, and a lunch break from around 1:00pm to 2:00pm, but these arrangements will be flexible and will depend on whether we have come to a convenient point in our discussion.
- From tomorrow onwards, I intend to open the Hearings at **09:30hrs** in the interests of increased efficiency. So please be prepared for this.

4. Purpose of the Hearings and Inspector's Role

- It is perhaps worth stressing at this point that **my role** is to focus on the **soundness of the Plan**, rather than on the representations. In particular I have to consider the Plan in relation to the tests of soundness in national policy – and these can be found in paragraph 182 of the National Planning Policy Framework – this is the 2012 version of course for this Examination, and I shall refer to this as the NPPF or *the Framework*.
- There are **4 tests of soundness** that I have to consider, which are whether the plan is:
 - *Positively prepared*
Is the Plan based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development?
 - *Justified*
Is the Plan based on the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence?
 - *Effective*
Is the plan going to be deliverable over its period, which implies flexibility and the ability to be monitored?
 - *Consistent with national policy*
The plan should enable the delivery of sustainable development in accordance with the policies of *the Framework*
- I start from the **presumption** that the Council considers that the Plan is **fundamentally sound**, unless it is shown to be otherwise as a result of the evidence presented to me in written representations or at the Hearings.
- Therefore, those **seeking changes to the Plan have to demonstrate that the Plan is not sound** and also they need to suggest **the changes sought in order to address any soundness issues**.
- Just a few words on how the **process** works.
- I will be looking at how the representations relate to these 4 tests of soundness rather than considering objections. In fact, I am not required to

respond to all the objections or representations. It is important that I understand **which parts** of the plan are considered to be unsound, and **what changes** or wording you think would make it sound.

- I have also asked for a comprehensive list or schedule of substantive, **soundness changes** that the Council is requesting me to make to the Plan. It is quite likely that this process will continue throughout the Hearings. I am therefore asking that the Council continues to update this schedule. The Council is also making a list of **additional (minor) changes** that it wishes to make to the wording of the Plan, and the only reason I need to see the additional changes list is to satisfy myself that there are no soundness changes in this list.
- I have asked the **Council** to start off in a few minutes with a brief **introduction** to the Plan, and the procedures followed so far, and any headline messages.
- Once we get into the sessions dealing with specific matters, I want to encourage **everyone to contribute**, but please do so through me; just raise your name card on the table, and I will make sure you have the opportunity to speak.

5. Hearings Programme

- We have a programme of Hearings which extends to **Friday 12 April** with a reserve day on Monday 15 April. This should in my view be sufficient for all the issues and representations to be properly considered. I understand that this room is available for the whole of this period. [Look to Council].
- I have already travelled around the District to familiarise myself with the key issues and sites, but I aim to conduct other **site visits**, so as to place in context any representations made during the Hearings. If any site visits need to be accompanied, I will need to have a Council representative with me. I will say more about this later.
- Hopefully you all have a copy of the **Hearings Programme** to take us through the Hearing sessions. If not please ask Chris or Claire, who will be able to assist.

6. Introducing the Participants

- Before I ask the Council to make its opening statement, I would like everyone around the table to briefly **introduce themselves** and, if appropriate, the organisation they are representing. Then I will ask the Council to let me know the names of the officers who will be appearing at the Hearings and their areas of involvement. It would be helpful if the Council could give me a **list** with this information.
- I would also like to say that although participants will be contributing towards the Hearing discussions from **different viewpoints**, I am confident that everyone wants a sound plan for the District, [so in one sense you are all on the same side] and I think is a useful point to bear in mind throughout the Hearings.
- **Introductions** around the table, including Council officers.

7. Procedural questions for the Council

- There are several **formal questions** that I must ask the Council:
- Can the Council confirm that the Plan has been:
 - Prepared in accordance with the **Local Development Scheme**;
 - Prepared in general accordance with the **Statement of Community Involvement** and public consultation requirements;
 - Subjected to a **Sustainability Appraisal**;
 - Prepared in accordance with **National Policy**;
 - Prepared in accordance with a **Habitat Regulations Assessment** and with its conclusions taken into account; and
 - Prepared in accordance with the **Duty to Cooperate**.
- Is the Council aiming to submit a formal request under **Section 20 (7c)** of the Act, for the Inspector to recommend main modifications in the event that these are considered necessary by the Inspector to make the Plan sound?

8. Thanks and Acknowledgements

- Just before the Council start, I would like to say that I consider the **submitted plan** to be clearly presented, on the whole, which has made it easy for me, as an outsider, to get to know Lewes.
- I would also like to thank all those parties who have prepared **Statements of Common Ground**, which can be very useful documents, and which save time.
- I would also like to **thank the Council** for their punctual and thorough **responses to all the questions** I put to them at several stages in the Examination so far, and this has already contributed to efficient working arrangements of this Examination.
- Does anyone have any **procedural questions** at this point?

9. Council's opening statement

- Tondra Thom, I believe you are going to make the opening statement on behalf of Lewes District Council.

Mike Fox: 2 April 2019