

CRAWLEY BOROUGH LOCAL PLAN 2024-2040
EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS
9 OCTOBER 2023

Introduction

1. These notes have been prepared to assist those individuals and organisations who are involved in the Examination of the Crawley Borough Local Plan 2024-2040 ('the Plan'). The Plan was formally submitted to the Secretary of State on 31 July 2023.

Inspectors and Programme Officer

2. The Secretary of State has appointed the Inspectors, David Spencer and Glen Rollings, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), to hold an Examination into the soundness and legal compliance of the Plan.
3. Charlotte Glancy is the Programme Officer (PO). She is acting as an impartial officer for the Examination under the Inspectors' direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the Examination Library (principally in an electronic format) and to assist the Inspectors with administrative and procedural matters.
4. Any matters which the Council or participants wish to raise with the Inspectors should be addressed to the PO. Anyone who requires assistance or particular facilities for disabled persons should contact the PO beforehand to enable appropriate arrangements to be made. The PO contact details are:
Charlotte Glancy,
Crawley Borough Local Plan Examination Programme Officer
C/O Banks Solutions, 80 Lavinia Way, East Preston, West Sussex, BN16 1DD
Tel: 01903 776601 or 07519 628064
Email: bankssolutionsuk@gmail.com

Purpose and nature of the Examination

5. The Inspectors' tasks are to consider whether the Plan meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations and whether it complies with the requirements of the National Planning Policy Framework ('the Framework'). These requirements comprise whether the legal requirements have been met, whether the Council has complied with the duty to co-operate; and whether the plan is sound.
6. The Framework sets out that a sound plan is positively prepared, justified, effective and consistent with national policy. The Council should rely on evidence collected while preparing the Plan to demonstrate that it meets the requirements of the Act. Those seeking main modifications (material changes) to the Plan must demonstrate why the document does not meet the requirements and how suggested changes could address any soundness failure.
7. The key elements in the Examination process are:
 - The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan;
 - The Inspectors must consider those duly made representations on the submitted plan. For the purposes of this Plan the Inspectors are primarily focusing on those representations made between 9 May 2023 and 20 June 2023 but also taking into account representations made in the periods 6 January to 30 June 2021 and 20 January to 2 March 2020.
 - The Inspectors are not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements;
 - It is not the Inspectors' role to seek to improve the Plan or to make it 'more sound' but to seek to address unresolved issues through round table discussion or consideration of the original written representations.
8. The hearing sessions are intended to be an inquisitorial rather than adversarial process under the Inspectors' direction. The hearings will address particular topics selected for

discussion by the Inspectors from the soundness requirements and the duly made representations.

9. Following the close of the hearings the Inspectors will prepare a Report for the Council with their conclusions on legal compliance and soundness. The Council, on submitting the Plan, has made a request under section 20(7C) of the 2004 Act to the Inspectors to recommend any main modifications to the Plan that are necessary to make it sound and legally compliant. The Council can make minor changes to the plan at any time up and until its adoption. These minor changes should not materially affect the substance of the plan, its overall soundness or the submitted sustainability appraisal. They need not form part of the Examination.
10. The Inspectors will work with the Council to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, Habitats Regulations assessment (where necessary) and opportunity to make representations as the submitted plan. Any main modifications should include the precise wording of the text and be set out in an Examination document.
11. Further guidance on the Examination process can be found in:
 - The Planning and Compulsory Purchase Act (2004) and associated Local Planning Regulations (2012)
 - The Planning Inspectorate's Procedure Guide for Local Plan Examinations – 8th Edition (February 2023)

How is the examination going to proceed?

12. The Crawley Local Plan examination hearings will take place in two stages.
 - Stage 1 will consider matters of legal compliance, the amounts of development being planned for and the overarching strategy, including the approach to Gatwick Airport and safeguarding including the proposed employment site at Gatwick Green.
 - Stage 2 will consider housing allocations, the town centre, transport and infrastructure and the various development management policies, as well as matters such as plan-wide viability and monitoring.
13. The Stage 1 hearings will take place in November 2023. The Stage 2 hearings will take place in early/mid January

2024.

14. The timing of the hearings has been programmed to enable the Local Plan examination to proceed as expediently as possible. It is the intention that the Local Plan hearings avoid any significant overlap with key events or deadlines for the concurrent Development Consent Order (DCO) process for the Gatwick Northern Runway Project. If it transpires that the DCO programme does overlap and creates capacity issues for organisations and individuals to effectively participate in the Local Plan examination, given the DCO process works to a fixed timetable, it would be the Local Plan examination that would flex and potentially be delayed.
15. The Inspectors' Matters, Issues and Questions (MIQs) dated 9 October 2023 relate to both stages of the hearings. Statements in response to those MIQs for the stage 1 hearings need to be submitted by 12 noon on Friday 3 November 2023. Statements in response to those MIQs for the stage 2 hearings need to be submitted by 12 noon on Friday 15 December 2023.
16. On plan submission, the Council indicated that some additional evidence base was being assembled to support/update existing evidence base. The Council's correspondence of 20 September 2023 indicates when this evidence should be available. Consequently, upon receipt of the evidence updates, the Inspectors' may issue further supplementary questions to their MIQs and confirm through the PO any additional arrangements / timeframes to enable participants to provide responses to supplementary questions.

Representations on the Plan and the right to be heard

17. A total of 220 duly made representations were accepted on the published Plan. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who propose changes to the Plan. There is no need for those supporting the Plan or merely making comments to take part in the hearings although they may observe the hearings. However, the Inspectors may invite persons to appear or be heard at the hearings where they think they are needed to enable the soundness or legal compliance of the plan to be determined.
18. The Inspectors encourage all those who anticipate that they may wish to be heard at the hearing sessions to consider the following:

- Whether your views are expressed in writing or made verbally during the hearing sessions **both methods carry the same weight.** Regulation 23 of the 2012 Local Plan Regulations requires that Inspectors **must** consider all duly made representations.
- Find out whether others are making similar points and whether they are speaking at the hearings. The Inspectors will not want to hear multiple people making exactly the same point or simply saying that they agree with what someone else has said.
- You can only be heard in relation to your soundness objections to those policies or parts of the Plan as per your representations. Additional statements in response to the Inspectors' Questions and participation at the hearings are not an opportunity to widen the scope of your soundness objections.

19. A draft hearings programme document for Stage 1 has been produced and will be updated once the Programme Officer has received confirmation of those who still wish to be heard.
20. If you wish to be heard at the Stage 1 hearings you must confirm this with the Programme Officer, even if you indicated in your original Regulation 19 representation that you wished to participate. If the Programme Officer does not receive confirmation, it will be assumed that you do not wish to participate and the Inspectors will rely on your written submissions.

How the hearing sessions will work

21. The hearing sessions will take place in person at Crawley Borough Council Town Hall, The Boulevard, Crawley RH10 1UZ.

<https://crawley.gov.uk/council-information/how-council-works/find-us>

22. The hearing sessions for the Examination will normally commence at 10.00 hours for morning sessions and 14.00 hours for afternoon sessions with a break for lunch at about 13.00 hours. In some instances, earlier starts may be programmed (please check the hearings programme). The daily hearings should finish by around 17:00 hours. Short breaks will be taken mid-morning and mid-afternoon.
23. A more detailed programme for the hearings, once the number of participants is confirmed, will be published in advance of the hearings and participants will be notified.

When the detailed programme is published, if you have any queries on it, please raise them with the PO. The detailed Programme will be available on the web site.

24. Every effort will be made to keep to the Programme, but late changes may be unavoidable. The PO will inform participants of any late changes to the timetable but it will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.
25. The hearings will focus primarily on issues of soundness. The hearing format will provide an informal setting for dealing with the issues by way of a discussion led by the Inspectors. Those attending may bring with them professional experts but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant's team, as appropriate.
26. The discussion for each Matter will focus on the Inspectors' issues and questions. The Inspectors will begin by making their comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. All participants will have an equal chance to contribute. 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 upon relevant points, as necessary. The Inspectors will endeavour to progress the hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, the discussion will need to focus on those areas necessary to come to informed conclusions on the issues. **It is also important that participants should not seek to introduce new material at a hearing session.**
27. At the hearings, the Inspectors will aim to work collaboratively with the Council and all participants in a proactive, pragmatic and problem-solving manner. Those taking part should aim to be co-operative and constructive and be willing to discuss potential changes that would overcome any soundness problems.

Inspectors' Matters, Issues and Questions

28. The Inspectors have issued their "Matters, Issues and Questions" (MIQs) that the Examination will focus on. These are based on their assessment of plan soundness and legal compliance having regard to all of the representations

made and on-going clarifications with the Council on key matters. The MIQs will form the basis of the discussions at the hearing sessions and the subsequent report. The Inspectors will issue agendas for each hearing session approximately a week in advance and these will be published on the website and circulated to relevant parties by the Programme Officer.

Documents and Examination Library

29. The documents provided by the Council when the plan was submitted at the end of July 2023 are available on the Examination website. Further documents will be added as the Examination progresses – for example, in response to a request from the Inspectors. It is important that participants at the hearings are familiar with the relevant submitted documents, additional evidence documents, topic papers and any statements of common ground prepared by the Council.
30. In addition to the examination documents, the website contains copies of the representations on the submitted Plan and any further statements. The PO will assist anyone wishing to see any documents.

Statements responding to the Main Issues and Questions

31. The representations made on the Crawley Borough Local Plan 2024-2040 should have included all the points and evidence to substantiate respondents' cases. From now on, any further written submissions should be limited to responding to the Inspectors' Main Issues and Questions for the examination.
- Any written statements in response to matters for the Stage 1 hearings should be submitted **no later than 12 noon on Friday 3 November 2023**.
 - Written statements in response to matters for the Stage 2 hearings should be submitted **no later than 12 noon on Friday 15 December 2023**.
32. When submitting statements, you should answer only those questions which follow from the representations you have made on the Pre-Submission plan. They should not stray beyond those issues relevant to your original representation. Respondents should focus on:
- Which part of the Plan is unsound.
 - Which of the soundness criteria it fails to meet.
 - Why it fails (point to the key parts of your original representations).

- How the Plan can be made sound.
- The **precise modifications/wording that you are seeking**.

33. From the Council the Inspectors will need a response to each of the questions, cross referring to the evidence base as appropriate.
34. Submissions should set out the fundamental elements of cases, since the hearings are not the place for new points or evidence to be presented for the first time. There is no need for verbatim quotations from the Plan or other sources of policy guidance. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Examination Library. Anyone submitting appendices with their statements should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.
35. Participants **should not include links to web pages in their statements**. The content of websites can change or disappear, and it is important that all parties are clear about what is being referred to.
36. **Statements of Common Ground** are a useful way of narrowing the issues in dispute, thereby assisting the hearings to concentrate on the key issues that genuinely need discussion. Statements of Common Ground should be submitted by at least the Friday before the relevant hearing session to enable uploading on the website and pre-discussion consideration by the Inspectors.
37. Those submitting further **written statements** (and appendices) should send, where possible, emailed electronic versions to the PO (in Word or PDF format). **Individual statements are required for each matter being addressed. Please do not address multiple matters within the same statement.**
38. Statements should be no longer than **3,000 words per Matter**. The Council may exceed the limit. Any submissions which are excessively long or contain irrelevant or repetitious material may be returned by the PO for editing.
39. All participants should adhere to the timetable for submitting further statements. Normally, the timeframe for submitting statements is 3-4 weeks (as per the Inspectorate's Local Plan Procedure Guide). **Late submissions and**

additional material after the specified deadlines are unlikely to be accepted, since this can cause disruption and result in unfairness, and can cause an adjournment of the hearing. If material is not received by the deadlines stated, the PO will advise the Inspectors that you are relying only on your original representations.

Site Visits

40. The Inspectors will make unaccompanied site visits to the Plan area during the course of the Examination. If it is considered essential that the Inspector would need to visit a particular site on an accompanied basis, then this should be raised with the PO as soon as possible.

Close of the Examination

41. The Examination will remain open until the Inspectors' report is submitted to the Council. The Inspectors will not accept any further representations or evidence after the hearing sessions have finished unless they have specifically requested further information from the Council and/or others. Any late or unsolicited material is likely to be returned.

David Spencer Glen Rollings

Examining Inspectors

9 October 2023

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