

# Examination of the London Borough of Islington Strategic and Development Management Policies, Site Allocations and Bunhill and Clerkenwell Area Action Plan Development Plan Documents

## EXAMINATION GUIDANCE NOTE

### Purpose of the guidance note

1. This note provides guidance to participants on the procedural and administrative arrangements for the examination.

### Dates for the hearing sessions

2. The hearing sessions (which are part of the examination) will start on Monday 13 September 2021 and are anticipated to last for **12 days**. They will be held virtually through an appropriate platform, such as Microsoft Teams or Zoom. Further guidance on this will be provided before the hearings commence.
3. Two documents are available with this note:

**Matters and Issues** for the subjects that will be discussed at the hearings. These will form the basis of the discussions.

**Draft Hearing Programme** – this sets out the matters and issues to be discussed at each hearing session. Please note details may change, so please check the examination website regularly:

[https://www.islington.gov.uk/planning/planning-policy/local\\_plan\\_review/local-plan-examination](https://www.islington.gov.uk/planning/planning-policy/local_plan_review/local-plan-examination)

### The Inspector's role in the examination

4. The examination began on 12 February 2020 when the Council submitted the Plan and the other submission documents. We (**Jonathan Manning** BSc (Hons) MA MRTPI and **C Masters** MA (Hons) MRTPI) have been appointed by the Secretary of State for Ministry of Housing, Communities and Local Government to examine the soundness of the Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act and associated regulations.
5. The hearing sessions will cover all 3 documents. Accordingly, where the Matters and Issues refer to Development Plan Documents (DPDs) the Council should respond individually in relation to each DPD. For representors, you should make it clear which DPD you are commenting on. Where we have referred to 'the Plan' this means all 3 DPD documents collectively.
6. We are treating the submission Plan as examination documents PD1, PD2 and PD3. Additional consultation ('pre-hearing') was undertaken on some modifications to each Plan (Examination Ref: PD1a, PD2a and PD3a). As this was undertaken after the submission of the Plan, these cannot be considered part of the submission Plan. The proposed pre-hearing modifications will be discussed at the hearing sessions. Please note that within the *Matters and Issues* references to policy and paragraph numbers are those contained within the submission Plan unless this is otherwise stated.
7. We will be considering the Plan against the National Planning Policy Framework

(2019), which sets out the criteria for determining the soundness of the Plan. Namely that the plan is positively prepared, justified, effective and consistent with national policy. There are three possible outcomes to the examination:

- the submitted Plan is sound
  - the submitted Plan is not sound but could be made sound by changes (known as main modifications), if necessary following additional work
  - the submitted Plan is not sound and could not be made sound by changes
8. At the end of the examination we will prepare a report to the Council with our final conclusions. The Council may formally request that we recommend any main modifications necessary to make the Plan sound.
9. We will deal with broad issues in our report rather than specifically addressing each individual representation.

### **Changes to the plan**

10. The starting point is that the Council has submitted a Plan that they consider is sound and ready for examination. At this stage there are only two means by which changes can be made to the submitted Plan:
- (1) main modifications recommended by the Inspector
  - (2) additional modifications made by the Council on adoption.
11. However, we can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.<sup>1</sup> Main modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential main modifications must be subject to consultation and in some cases further sustainability appraisal might also be needed.
12. 'Additional modifications' are those changes which do not materially affect the policies in the Plan.<sup>2</sup> They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' The Council is accountable for any such changes and they do not fall within the scope of the examination.

### **The programme officer**

13. The Programme Officer (the PO) for the examination is Carmel Edwards. Carmel is working under our direction and is independent of the Council. She can be contacted as follows:

Carmel Edwards  
C P Solutions  
C/O Islington Town Hall  
Upper Street  
London, N1 2UD

Email: [programmeofficer@carmeledwards.com](mailto:programmeofficer@carmeledwards.com)  
Mob: 07969 631930

---

<sup>1</sup> Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

<sup>2</sup> S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

14. The main tasks of the PO is to act as a channel of communication between all parties and ourselves, to liaise with the parties to ensure the smooth running of the examination, to ensure that all documents received are recorded and distributed and to run the examination library.
15. Copies of examination documents can be found on the examination website:  
[https://www.islington.gov.uk/planning/planning-policy/local\\_plan\\_review/local-plan-examination-library](https://www.islington.gov.uk/planning/planning-policy/local_plan_review/local-plan-examination-library)
16. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in place.
17. Any procedural questions or other matters that you wish to raise with us prior to the hearing sessions should be made through the PO.

### **Progressing your representations on the Plan**

18. Only those seeking to change the Plan have a right to participate in the hearing sessions.<sup>3</sup> However, the hearing sessions are open for anyone to observe.
19. The list of ***Matters and Issues*** accompanying this note will form the basis of the discussions at the hearing sessions. If you have any comments on this list (for example, because you feel there may be a significant omission), you should contact the PO by the end of **23 July 2021**.
20. The draft ***Hearing Programme*** accompanying this note shows the anticipated timetable for the discussion of the *Matters and Issues* at the hearing sessions. Irrespective of any previous indications provided when submitting representations, should you wish to participate in any of the hearing sessions identified in the hearing programme, you must inform the PO of your intention to do so no later than **23 July 2021**. Please make clear to the PO under which *Matters and Issues* you wish to appear. Please note that there are several reserve sessions programmed in case of overrun. You should therefore also ensure that you are able to attend the reserve sessions.
21. For those who may be unsure whether they should attend the virtual hearing sessions and give oral evidence, we shall give equal weight to both oral evidence and written representations already provided or submitted within a written statement replying to the *Matters and Issues*. Attendance at a hearing session will only be useful and helpful to us if you wish to participate in the discussion. You will all be there to help us, so you may be asked to comment on things that are not directly related to your own written submissions. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. Please discuss this with the PO. We may also specifically invite participants to particular sessions if we think that would assist the examination.
22. A final version of the *Hearing Programme*, with participants listed for each session will be published on the examination website around a week before the start of the hearing sessions. It will be for individual participants to check the progress of

---

<sup>3</sup> S20(6) of the PCPA 2004

the hearing sessions, either on the website or with the PO, and to ensure that they are present at the right time. Please note that the hearing programme may be subject to change.

### Hearing sessions

23. The hearing sessions will take the form of a structured (but informal) roundtable discussion that we shall lead although there may well be sessions where only 1 Inspector is present. They will not involve the formal presentation of cases by participants or cross-examination. There will be a lot to cover and all contributions should be concise and focused.
24. The hearing sessions will normally run between 09:30 and 12:30 and 13:30 and 16:30 each day. A break will be taken mid-morning and mid-afternoon. No new session will begin before its stated start time set out in the final *Hearing Programme*, but a later start may be unavoidable if a previous session has overrun.
25. Please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

### Hearing statements

26. The Council should produce a hearing statement for each of the *Matters*. In doing so, they should answer each of the individual questions set out in the list of *Issues*. Those who made representations at the pre-submission stage may also submit written statements on the *Matters and Issues*. However, the preparation of a written hearing statement is not a requirement.
27. Hearing statements from those who made representations should be a maximum of 3000 words for each *Matter*. Within this limit, they should be kept as short as possible. Appendices should only be included where directly relevant and necessary and should also be as succinct as possible. In addition, they should:
  - only cover one Matter per statement. If multiple matters are being addressed, separate submissions should be made for each Matter.
  - only answer the specific questions which are of relevance to the original representation.
  - clearly identify the number(s) of the question(s) being answered.
  - indicate whether any changes are needed to make the plan sound (providing detailed suggested wording for the change and if appropriate, any changes sought to the policies map).
28. The Council should produce statements which are focused and succinct. However, because they have to answer every question there may be some occasions where it is necessary to go over the 3000 word limit.
29. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper. Please contact the PO to discuss.
30. An electronic version of each hearing statement **must** be submitted to the PO by the end of **20 August 2021**. Unless there are exceptional circumstances, late submissions will not be accepted.

31. Hearing statements will be posted on the examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.
32. Aside from these written statements no other written evidence will be accepted, unless we specifically request it. The hearing sessions are not to be used to introduce new evidence or arguments.

### **Statements of common ground (SoCG)**

33. Statements of common ground are welcome where these would be helpful in identifying points not in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. Where the Council have already indicated that a SoCG will be produced, reference has been made to this within the Matters and Issues and the Council should ensure that these are prepared, signed and submitted within the Matters and Issues timeframe. They could for example include: agreed wording of a suggested change to a policy, agreed factual information or areas or points of disagreement. Work on such statements should commence now with the aim of completing them in time to influence relevant hearing statements.

### **Approach to omission sites**

34. Representors have objected to the omission of their site(s) that they have promoted for inclusion in the Plan. However, the purpose of the examination is to consider whether the Plan as it has been submitted for examination is sound. Therefore, we have not included in the programme any discussion on omission sites. Instead, the focus will be on whether or not the process followed by the Council in selecting the Plan's strategy is sound. This will involve looking at the overall strategy, the Council's site selection process, sustainability appraisal and the soundness of each allocated site. We have included such matters within our *Matters and Issues* that accompany this note.

### **Site visits and close of the examination**

35. Insofar as we consider it necessary to our assessment of the soundness of the Plan, we shall visit sites referred to in the representations before, during, or after the hearing sessions. We will do these on an unaccompanied basis, unless we find that we need to go onto private land, in which case arrangements will be made for us to access the site.
36. The examination will remain open until our final report has been submitted to the Council. However, we will not accept any further representations or evidence after the hearing sessions have ended unless we specifically request it. Late or unsolicited material will be returned by the PO.

### **Further information**

37. Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance*:

<http://planningguidance.planningportal.gov.uk/> and the Planning Inspectorate's *Procedural Guide for Local Plan Examinations*:  
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

*Jonathan Manning & C Masters*

INSPECTORS