

**PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY**  
**REPLACEMENT LOCAL DEVELOPMENT PLAN**  
**EXAMINATION**

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**GUIDANCE NOTES FOR PARTICIPANTS**

**1. Introduction**

- 1.1. These Guidance Notes have been prepared to assist those individuals and organisations who wish to be involved in the Examination into the soundness of the Deposit Draft Replacement Pembrokeshire Coast National Park Authority Local Development Plan 2021-2031, (the 'Plan'). The preparation of a local development plan is a requirement of the Planning & Compulsory Purchase Act 2004.
- 1.2. Public consultation on the Deposit Plan took place for an eight-week period and ended on 1 June 2018, in accordance with Regulation 17 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. Pembrokeshire Coast National Park Authority (the 'National Park Authority') undertook a further eight-week consultation exercise on its proposed Focussed Changes, which ended on 15 February 2019.
- 1.3. The National Park Authority considered all of the representations received during the Deposit consultation before submitting the Plan for Examination and the National Park Authority's Consultation Report summarises the substance of the representations received and the National Park Authority's response. Representations received during the Focussed Changes consultations have been sent directly to the Inspector for consideration.
- 1.4. Only those who made representations on any of the consultations specified at 1.2 above will be involved in the examination process; and only those who consider the Plan to be unsound and seek changes to make it sound are entitled to participate in the hearing sessions. There is no need for those supporting or merely making comments on the Plan to participate.
- 1.5. It is important that all those who wish to be involved in the hearing sessions of the Examination attend the Pre-Hearing Meeting.

**2. Inspector and Programme Officer**

- 2.1 The Ministers of the Welsh Government have appointed **Nicola Gulley MA MRTPI** (the 'Inspector') to hold the Examination to assess the soundness of the Plan.

- 2.2 The Programme Officer for the Examination is **Caroline Llewellyn**. She is acting independently of the National Park Authority and will work under the Inspector's direction. She is responsible for organising the programme of hearings, maintaining the Examination Library, recording and publishing all material received, and assisting the Inspector with procedural and administrative matters. Caroline will advise on any programming and procedural queries. Any matters which the National Park Authority or other participants wish to raise with the Inspector should be addressed to the Programme Officer, preferably via email. She can be contacted by telephone on 07773932339 (mobile) or by email at [programmeofficer@pembrokeshirecoast.org.uk](mailto:programmeofficer@pembrokeshirecoast.org.uk)

### **3. Purpose of the Examination**

- 3.1. The purpose of the Examination is to examine the soundness of the Plan. It is important to note that the "Examination" covers the whole process of examining the Plan, from the time of confirmation of submission of the Plan to the Welsh Government to receipt of the Inspector's Report by the National Park Authority.
- 3.2. The Inspector's role is to consider whether the Plan meets the requirements of Sections 62-64 of the 2004 Act and associated regulations and whether it complies with the tests of soundness set out in paragraphs 8.2.1.2 of Local Development Plans Manual (2015). There are three tests: whether the Plan is consistent with other relevant documents; whether the Plan is appropriate for the area in light of the evidence; and whether the Plan is deliverable and effective. The National Park Authority should rely on evidence used in preparing the Plan to demonstrate that it is sound. Those seeking changes to the Plan have to demonstrate why the document is not sound and how the changes they suggest would make it sound.
- 3.3. The starting point for the Examination is to examine whether the submitted Plan is sound. In examining soundness the Inspector has to consider the representations made to the submitted Plan but only insofar as they relate to the tests of soundness. The Inspector is not required to determine and report in relation to each and every point made in every objection but to use the representations as the starting point in considering whether the Plan is sound.
- 3.4. The Inspector also has to exercise her duties under Section 39 of the 2004 Act with the objective of contributing to the achievement of sustainable development. At the end of the Examination process the Inspector will produce a binding report containing recommendations and the reasons for the recommendations.
- 3.5. The hearing sessions of the Examination are intended to be an inquisitorial process under the Inspector's direction, rather than the previous more adversarial approach between the National Park Authority and objectors at the local plan/unitary development plan inquiry. The process of examining the soundness of the Plan will generally be conducted as a series of round table sessions led by the Inspector and addressing

particular topics or issues, rather than the individual representations. The topics identified for discussion arise from questions as to the soundness of the Plan which have been raised by the representations or identified by the Inspector.

- 3.6. National policies as such will not be debated, but the Examination will consider their application and implications where such matters arise from the particular policies and proposals within the Plan. Throughout the hearing sessions the focus will be on whether the submitted LDP is sound. It is not the purpose of the Examination to recommend changes to a Plan which is sound in order to improve it in other respects.
- 3.7. At the end of the Examination the Inspector will submit the Report to the National Park Authority with conclusions and recommendations on the actions or changes needed as regards the soundness of the Plan. These recommendations are binding on the National Park Authority and any recommended modification to the Plan must be made before it is adopted by the National Park Authority. The following provide the procedural framework for the conduct of the Examination:
  - Local Development Plan Manual, Edition 2, Welsh Government, 2015.
  - Part 6, Section 62-72 of the Planning and Compulsory Purchase Act 2004.
  - Town and Country Planning (Local Development Plans) (Wales) Regulations 2005
  - Local Development Plan Examinations – Procedure Guidance, Planning Inspectorate Wales, 2015.
- 3.8. Participants should familiarise themselves as appropriate with the relevant parts of the above documents. Most of the guidance to procedures is set out in the LDP Manual and the Planning Inspectorate's procedure guidance. These and other relevant planning policy and guidance documents are available to view/download from the Core Documents section of the Examination Website.

#### **4. Pre Hearing Meeting**

- 4.1. The Pre-Hearing Meeting (PHM) will take place on **Tuesday, 7 May 2019** at **11:00** and will be held at Pater Hall, Dimond Street, Pembroke Dock, SA72 6DD as indicated on the front of this document. The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the management of the Examination, including the Programme for the Hearings, the matters to be examined and related questions, the running order and participants, the methods of dealing with representations, the timetable for submitting any additional material that may be required (including hearings statements), and any other relevant matters. **The content and merits of the Plan and the representations will not be discussed at this meeting, although the Inspector may identify issues or topics on which she feels additional material is required to assist her in considering soundness of a particular aspect.**

- 4.2. At the PHM the Inspector will ask the National Park Authority a series of procedural questions to confirm that the Plan has been prepared in accordance with the statutory procedures under Section 64(5)(a) of the 2004 Act and associated regulations, and that it is supported by a Sustainability Appraisal. They will also clarify the position in respect of the Community Involvement Scheme and the Delivery Agreement. All relevant documents are available on the Examination website (Core Documents).
- 4.3. The PHM Agenda is included at the end of these notes as Appendix B. A Note of the PHM, the Draft Hearing Sessions Programme, and the Inspector's Matters and Issues will be published on the Examination website and circulated to participants shortly after the PHM.
- 4.4. The National Park Authority will advertise the date of the PHM giving at least 4-weeks notice.

## **5. Representations received on the Plan**

- 5.1 Under Regulation 22(2)(iv) of the LDP Regulations, the National Park Authority has confirmed that, with regard to the Deposit Plan consultation ending on 1 June 2018, some 265 duly made representations were received from 105 different respondents.
- 5.2 The National Park Authority also confirmed that 26 representations were received from 15 representors to the Focussed Changes consultation which ended on 15 February 2019.

## **6. Methods of considering representations**

- 6.1 There are two main ways in which the Inspector will consider representations made on the Plan:
  - **Written representations:** Based on the original representation and the National Park Authority's response on the matters raised. The Inspector may also seek additional information by way of clarification. Most representations will be considered by this method. Written representations are not discussed at the hearings and attendance at the hearing sessions is not necessary.
  - **Oral representations:** Where representors have indicated that they wish to have an oral hearing, relevant matters in the representations will be dealt with at a programmed hearing session of the Examination, where the National Park Authority and other participants debate the main points on the key issues identified by the Inspector in a structured and informed discussion directed by her.

**Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.**

## **Alternative Sites**

- 6.2 The strategy, policies and allocations in an LDP should be realistic and appropriate having considered relevant alternatives and should be founded on a robust evidence base.
- 6.3 The Inspector will start from the position that the National Park Authority has submitted a strategy, policies and allocations which it considers to be sound. The Inspector will not look beyond the Plan's strategy, policies and allocations unless she concludes otherwise.
- 6.4 The focus of the examination will be on assessing whether or not there are sufficient deliverable allocated sites to meet the identified need. This may involve looking at the soundness of individual allocated sites. Promoters of alternative sites will be allowed to exercise their right to be heard and put arguments on these issues but not to promote the merits of their own sites.
- 6.5 The Inspector is not required to report on each and every point nor is she required to report on individual alternative sites. Only if it is concluded that there is a need for additional sites to meet the housing requirement or that the allocated sites may be unsound will the Inspector ask the National Park Authority to put forward alternative sites and consider the need for additional hearing session.

## **7. Procedure at the Hearing Sessions of the Examination**

- 7.1 The National Park Authority will advertise the start of the hearing sessions at least 6 weeks in advance.
- 7.2 The hearing sessions will commence on **Tuesday 2 July 2019 at 9:30am** and will be held at the Pater Hall, Dimond Street, Pembroke Dock, SA72 6DD as indicated on the front of this document. Subsequent sessions will normally start at 9:30 and 14:00 with a break for lunch around 13:00 and should finish at about 16:30. However start times may vary and you should check the Hearing Sessions Programme. If convenient, a short break will be taken mid-morning and mid-afternoon. Generally, the hearings will be in session Tuesdays to Thursdays with the possibility of some hearings on a Friday morning. The dates for the hearing sessions will be set out in the Draft Hearings Programme & Timetable and are likely to take two to three weeks to complete over a two month period.
- 7.3 The focus of the hearing sessions will be on the soundness of the Plan, having regard to the tests of soundness concerning procedural requirements and the Plan's consistency, coherence and effectiveness. A separate hearing session of the Examination will be held for each of the main topics identified in the programme. The sessions will normally take the form of an informal round-table discussion where the National Park Authority and those who wish to be heard discuss the key points identified. This will provide a means of examining the issues by way of a discussion led by the Inspector. Participants may bring professional representatives with them to speak on their behalf and may ask questions

about the evidence, but there will be no formal presentation of evidence, cross-examination or formal submissions. **There is no need for participants to have legal representation.**

- 7.4 At the start of each session the Inspector will set out a detailed agenda with the points for discussion on each topic. The discussion will focus on the 'Matters and Issues' identified in the agenda and the questions posed. The Inspector will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate. The session will progress under the Inspector's guidance, drawing participants into the discussion in such a way as to enable her to gain the information necessary to come to a firm conclusion on the relevant issues.
- 7.5 Participants will be advised via email when any further statements invited by the Inspector are published on the website (please refer to clause 10 of these notes). Participants should familiarise themselves with these and any representations that are relevant to particular hearing sessions they are involved in (representations can also be viewed on the Examination website). 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 on relevant points, as necessary.
- 7.6 The Inspector will endeavour to progress the hearing sessions in an effective and efficient manner, keeping a firm hand on the discussions and time taken. As part of that process, the Inspector will aim to minimise the amount of material produced that is necessary to come to informed conclusions on the issues, and will seek to avoid repetitious oral presentation or discussion which does not focus on the evidence.
- 7.7 Anyone who requires assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made.
- 7.8 Participation in the Welsh language at the PHM or the Hearing Sessions is welcomed. Where one or more participants in the Hearing Sessions have indicated a preference to communicate through the medium of Welsh, translation facilities will be arranged by the National Park Authority. To prevent avoidable adjournments, the Programme Officer will seek to re-confirm the language choices of participants prior to the PHM and Hearing Sessions taking place.

## **8. Hearings Programme**

- 8.1 The Hearing Sessions of the Examination are likely to last up to three weeks over a two to three month period with breaks. A Draft Hearing Programme which reflects the main topics for discussion is attached as Appendix A. Representors with duly made representations that relate to these topics will be invited to participate in relevant sessions.
- 8.2 Every effort will be made to keep to the Programme but late changes may be unavoidable. Priority will be given to starting the debate on each

matter at the appointed time and on occasion it may be necessary to extend the debate in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme, principally by checking the Examination Website.

## **9. Preparation and submission of further material**

### **Examination Library**

- 9.1 The National Park Authority has prepared a list of Core Documents including all documents which have informed the Plan's development and their Evidence Base, all of which are available to view/download from the Examination website library at [www.pembrokeshirecoast.wales/ldpexamination](http://www.pembrokeshirecoast.wales/ldpexamination). Anyone wishing to view paper copies of the Examination Library should contact the Programme Office to arrange a mutually convenient time. The Core Documents also refer to relevant national policy and guidance, background papers, existing LDP and SPGs, and any other documents the National Park Authority are likely to reference.
- 9.2 Participants should ensure that any additional documents they intend to refer to are added to the Examination Library by arranging for such documents to be sent to the Programme Officer (one electronic and three paper copies will be required).
- 9.3 Any further written submissions or other material requested by the Inspector will be added to the 'Examination Documents' section of the library as it is submitted. Participants should check the Examination Website regularly for updates.

### **Submission of further written statements and other material**

- 9.4 The representations already made at the Deposit or Focussed Changes consultations should include all the points, documents and evidence to substantiate representors' cases. Participants should not, therefore, submit any further material based on their original representations. Please note that although representors may have made representations at earlier stages of the Plan process, the Inspector only has copies of representations made at the Deposit onwards.
- 9.5 Any further statements sought by the Inspector from representors should address the Matters and Issues identified by the Inspector and be submitted **at least two weeks** before the relevant hearing session. The deadline for submission of further statements will be set out in the formal invitations to participate and at the end of these guidance notes.
- 9.6 Essentially, when submitting further statements, the Inspector needs to know:
  - Which particular part of the Plan is unsound? (the policy/paragraph/page of the Plan)

- Which soundness test(s), set out in paragraph 8.2.1.2 of LDP Manual, does it fail?
  - Why does it fail?
  - How can the Plan be made sound?
  - What is the precise change/wording that is being sought?
- 9.7 From the National Park Authority, the Inspector will need a written response to each of the questions asked in the Matters, Issues and Questions papers, setting out why it considers the Plan to be sound and why, if appropriate, the changes sought by other parties would make it unsound.
- 9.8 All submissions **should be succinct, avoiding unnecessary detail and repetition**. There is no need for verbatim quotations from the Plan or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for new points or evidence to be presented for the first time. Statements from representors should focus on the issues identified by the Inspector.
- 9.9 Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the National Park Authority and other participants in advance of the hearings. Statements of Common Ground can be a useful way of narrowing the issues in dispute, and should be submitted within the timescales set out above.
- 9.10 There is no need to prepare a further statement if all the points raised in the Matters, Issues and Questions, and the questions listed in paragraph 9.6 above, are already covered in the original representation, but it would be helpful for participants to notify the Programme Officer if they do not intend to submit further statements.
- 9.11 Participants who do wish to submit further written statements in response to the Matters and Issues should bear in mind that a separate statement for each hearing session topic would be required and the Programme Officer will require one electronic copy and three paper copies of each separate statement being submitted. Statements should be no longer than 3,000 words each and any statements which are excessively long or contain unsolicited material may be returned.
- 9.12 Supporting technical evidence should be limited to appendices and should be clearly related to the case. Any supporting material should be limited to that which is essential. Extracts from any documents that are already in the Examination library are not necessary. There is no need for summary statements. Statements should be on A4 paper, punched with two holes for filing, and unbound. Plans or diagrams should fold down to A4 size. All statements should be marked with the representor's reference number (this is the Rep ID quoted on correspondence from the Programme Officer).



9.13 There are limitations to the National Park Authority's ability to accept large documents submitted via email to the Programme Officer. Electronic documents over 10MB should be submitted on a CD or USB via post or by hand. The Programme Officer will not be able to print, collate or bind large submissions and paper copies should be submitted as per clauses 9.11 and 9.12 above.

9.14 All participants should adhere to the timetable for submitting further 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 can result in an adjournment of the hearing. If material is not received by the deadlines stated the Programme Officer will assume that no representations are to be made by that participant.

## **10. Availability of information**

10.1 The Programme Officer will maintain an Examination Library at the Programme Office and online at the Examination Website and this will contain the Core Documents including copies of the Plan and associated documents as well as all representations. The Library will also include Examination Documents comprising, further representations, statements and related correspondence as received. The Library will be under the supervision of the Programme Officer, who will assist anyone wishing to view any document, provided reasonable advance notice is given.

10.2 The Programme Officer will maintain a record of all documents submitted. The Examination Library List, the up-to-date Draft Hearings Programme and other relevant material for each session will be available at the venue on the day. Relevant information will also be included on the website.

## **11. Site visit arrangements**

11.1 As part of the Examination, the Inspector will carry out a familiarisation tour of the area, visiting locations referred to as necessary on an unaccompanied basis. If there are exceptional reasons for an accompanied visit, participants should discuss this with the Programme Officer.

## **12. Close of the Examination**

12.1 The Examination will remain open until the Inspector's report is submitted to the National Park Authority. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished except at her specific request. Any late or unsolicited material is likely to be returned.

### **13. Submission of Inspector's Report to the National Park Authority**

13.1 After the Examination has closed, the Inspector will submit the Report with binding recommendations to the National Park Authority. The date of submission will largely depend on the content, extent and length of the Examination. The Inspector will confirm the likely date by which the report will be submitted once the hearings sessions have been completed.

#### **KEY DATES**

**National Park Authority submission of LDP for Examination**      **22 February 2019**

**Pre-Hearing Meeting**      **7 May 2019**

**Deadline for submission of written statements responding to Matters & Issues for Examination**      **At least two weeks prior to relevant hearing**

**Hearing sessions commence**      **2 July 2019**

**DRAFT HEARING SESSION TIMETABLE**

| <b>DRAFT PCNPA LDP HEARING SESSION TIMETABLE</b> |  |  |
|--|--|--|
| <b>Date</b>                                      | <b>AM</b>  | <b>PM</b>  |
| <b>WEEK 1</b>                                    |  |  |
| 2 July 2019                                      | Matter 1 - Opening, Plan Preparation and Plan Strategy   |  |
| 3 July 2019                                      | Matter 2 - Special Qualities of the National Park  | Matter 3 - Major Development, the Potential for Growth         |
| 4 July 2019                                      | Matter 4 - Climate Change, Sustainable Design, Renewable Energy and Flooding   | Matter 5 -Visitor Economy, Employment and Community Facilities |
| <b>WEEK 2</b>                                    |  |  |
| 9 July 2019                                      | Matter 6 - Housing Provision and Distribution  |  |
| 10 July 2019                                     | Matter 7 - Affordable Housing, Gypsy and Travellers Accommodation  |  |
| 11 July 2019                                     | Matter 8 - Allocated Sites:<br>Policy 48(HA3)<br>Policy 48 (HA4)<br>Policy 48 (HA5)<br>Policy 48 (HA6)<br>Policy 48 (HA10)<br>Policy 48 (HA11) |  |
| <b>WEEK 3</b>                                    |  |  |
| <b>TBC</b>                                       |  |  |

All Hearing sessions will start at 9:30am and 2:00pm each day, with a break for lunch at about 1.00pm, and a finish at about 4:30pm. Reserve days will only be used where the Inspector considers that it is expedient to do so.

Discussions in relation to the Monitoring Framework will be conducted in writing unless to Inspector considers it appropriate to hold a hearing session.

**Hearing sessions to discuss Alternative Sites will only be held if the Inspector considers it necessary to do so.**

**DRAFT PRE-HEARING MEETING**

**AGENDA**

- 1. Opening and Introduction**
  - 2. Purpose of Pre-Hearing Meeting (PHM)**
  - 3. Role of the Programme Officer**
  - 4. Scope of the Examination and role of the Inspector**
  - 5. Procedural questions for the Authority**
  - 6. Representations made on the LDP**
  - 7. Methods of considering representations**
  - 8. Procedure at Hearing Sessions of the Examination**
  - 9. Examination Hearings Programme including issues to be debated**
  - 10. Preparation and submission of further material**
  - 11. Availability of Information**
  - 12. Site visit arrangements**
  - 13. Close of the Examination**
  - 14. Submission of Inspectors' Report**
  - 15. Questions**
- Close of Meeting**