Local Development Plans

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Key legislation and policy

Legislation	• Planning and Compulsory Purchase Act 2004 (as amended by the Planning Wales Act 2015) • Town and Country Planning (Local Development Plans) (Wales) Regulations 2005 (as amended by the 2015 Regulations) • Well-being of Future Generations Act 2015 • Strategic Environmental Assessment Regulations 2005 • The Environment (Wales) Act 2016 • Historic Environment (Wales) Act 2016 • Welsh Language Act 2011 • The Conservation of Habitats and Species Regulations 2017
National policy and guidance	• Planning Policy Wales • Development Plans Manual • Technical Advice Notes • Minerals Technical Advice Notes 1 & 2
Judgments	• Grand Union Investments Ltd v Dacorum BC [2014] EWHC 1894 (Admin)
Other guidance	• Local development plan examinations: procedural guidance (2023), PEDW • Preparing a local development plan for submission (being updated July 2025), PEDW • Local development plan examinations: guidance for programme officers (being updated July 2025), PEDW • ITM Chapter on Habitat Regulation Assessment

List of abbreviations

DM	Development Management
DPM	Development Plans Manual
GDPR	General Data Protection Regulations
ITM	Inspector Training Manual
LDP	Local Development Plan
LDP Regs	Town and Country Planning (LDP) (Wales) Regulations 2005.
MTANs	Minerals Technical Advice Notes
MIQs	Matters, Issues and Questions
PCPA	Planning and Compulsory Purchase act
PET	Planning and Environment Team
PPW	Planning Policy Wales
Procedure Guidance	LDP Examination: Procedure Guidance (2022)
PO	Programme Officer
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
TANs	Technical Advice Notes
WM	Welsh Ministers
WBFGA	Well-being of Future Generations Act

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Scope of the Guidance

1. This Chapter of the Inspector Training Manual (ITM) provides specific advice and guidance in relation to the legislative basis for, hierarchy, preparation, and examination of Local Development Plans (LDPs) in Wales.

2. Advice and guidance in relation to matters such as Sustainability Appraisals, Strategic Environmental Assessment, Habitat Regulations Assessments and the Public Sector Equality Duty in respect of LDPs is contained in the Inspector Training Manual (PINs), 'Local Plan Examinations, Sections 01 to 11' which can be found in the relevant 'PINS ITM & resources (England)' eClip: https://documents.hf.wales.gov.uk/documents/fA2816524

Introduction

3. This Chapter is concerned with the practical and procedural aspects of running an efficient and effective LDP examination. The guidance will be updated periodically to reflect the changes in legislation, national policy and guidance and / or other circumstances which would directly affect the examination of plans.

4. In addition, the Chapter will form part of the program for training new Inspectors in the examination of LDPs.

Legislative and Policy Context

Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (LDP) (Wales) Regulations 2005

5. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) and the Town and Country Planning (LDP) (Wales) Regulations 2005 (as amended) (LDP Regs) provide the main legislative basis for the examination process and the matters on which examining Inspectors should decide.

6. PCPA, Part 6 sets out specific provisions for Development Plans in Wales. Of particular significance for the LDP examination process are:

- Section 64 – which sets out the need for each LPA to submit their LDP to the Welsh Ministers for independent examination; and that the Welsh Ministers will appoint an Inspector to carry out the examination.

- Section 64(5) – which outlines the fundamental matters that an Inspector must determine during the examination, this includes whether or not an LDP is 'sound'. Inspectors must also consider whether the plan satisfies the preparation and procedural requirements set out in Sections 62, 63 and 77 of the Act in relation to conformity with national policy and guidance.

7. If an Inspector has determined that the LDP satisfies the requirements outlined in Section 64(5), it is incumbent on them to recommend that the LDP is adopted. If any of the requirements have not been met, the Inspector must recommend that the plan is not adopted. For the reasons outlined in paragraphs 90 to 92, a recommendation not to adopt is extremely rare.

- Section 64(6) – requires that any person who makes representations seeking to change an LDP must, if they have requested to be heard, be given the opportunity to appear before the Inspector carrying out the examination.

- Sections 65 and 66 – give Welsh Ministers the power to intervene in an examination. The intervention may occur at any point before the plan is adopted and may include a direction to modify the document or direct that it is submitted to the Ministers for

approval. After the examination has commenced but before adoption the Welsh Ministers may direct that a plan is withdrawn, and

- Section 66A – sets out provisions which allow LPAs to withdraw an LDP that is subject to examination where the Inspector examining the LDP recommends that the plan is withdrawn, and the recommendation is not overruled by a direction given by the Welsh Ministers. These are the only circumstances in which an LPA can withdraw a plan which is subject to an examination.

8. The LDP Regs set out the statutory requirements for each stage of the plan-making process. Particularly relevant to the examination process are:

- Regulations 11 and 12 – outline the requirements for the form and content of LDPs. This includes the need for plans to: provide the name of the area for which the LPA has prepared a draft plan; contain policies which are easily distinguishable from, and supported by, reasoned justification; and be accompanied by a proposals map, which shows the proposals for the development and use of land in the area.

- Regulation 22 – sets out the requirements for the submission of the plan to the Wesh Ministers for examination. This includes the nature, form and content of documents which must be submitted as part of the submission, the supporting evidence, procedural matters, and timescales for publicising the process.

- Regulation 23 – provides the timescales for publicising the opening of the examination and outlines a requirement for the Inspector to consider any representations made in accordance with Regulations 18 and 21, and

- Regulations 24 to 26 – address matters relating to adoption and withdrawal of plans.

The Planning (Wales) Act 2015 and The Well-being of Future Generations Act 2015

9. The Planning (Wales) Act 2015 provides a legislative framework for the operation of the planning system in Wales, principally through amendments to the PCPA and TCPA. Notable provisions in the Act include:

- Section 2 – sets out the statutory purpose for planning functions relating to development planning and confirms and clarifies the requirement to carry out sustainable development under the Well-being of Future Generations (Wales) Act 2015 (WBFGA)

- Sections 3 to 9 – amend the PCPA to set out the requirements for the preparation of a national development framework (NDF) and strategic development plans (SDP).

- Section 11 – inserts a requirement into the PCPA for a Welsh Language Impact Assessment to be undertaken as part of the production of the evidence base supporting the LDP process.

- Section 12 – amends s62 of the PCPA to introduce an end date for LDP, and in doing so makes clear that a plan ceases to be a LDP on the expiry of the plan period but a letter from the Minister for Housing and Local Government dated 24 September 2020

explains that the provisions for an end date for LDPs contained in PCPA s62, only apply to those plans that were adopted after 4 January 2004.and

- Section 13 – amends the PCPA to address matters relating to the withdrawal of LDPs.

10. The Well-being of Future Generations Act (WBFGA) places a duty on all public bodies in Wales to carry out sustainable development and requires them to set objectives designed to maximise their contribution in the achievement of economic, social, environmental and cultural wellbeing.

11. Planning Policy Wales (PPW) explains that the WBFGA has established seven well-being goals which are intended to shape the work of all public bodies in Wales. These are;

- A globally responsible Wales
- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language

12. In order to demonstrate that appropriate consideration has been given to the Well-being goals and sustainable development principles, public bodies are required to have regard to the 'five ways of working' contained in the WBFGA. These are:

- Involvement;
- Collaboration;
- Integration;
- Prevention; and
- Long term factors.

13. These principles guide public bodies in Wales to act in a way that benefits not only the present but also future generations.

National Planning Policy and Guidance

14. PCPA through Section 62 (5) requires LPAs to have regard to current national planning policy and guidance in the preparation of LDP. In Wales national planning policy and guidance is provided by Future Wales, PPW, the technical advice note (TANs) and minerals technical advice note (MTANs) series, Circulars and any policy clarification letter issues by the Welsh Government.

15. Guidance in relation to the preparation of LDPs is contained in the Development Plans Manual (DPM).

16. PPW requires LDPs to contribute towards the delivery of sustainable development / places and provides specific guidance in relation to matters such as people and places,

active and social places, productive and enterprising places and distinct and natural places.

17. Policy clarification letters issued by the Welsh Government typically take the form of either written ministerial statement or a '*Dear Chief Planning Officer*' letters. These provide a detailed policy response intended to address specific, and often pressing, national issues these include flood risk, affordable housing provision and biodiversity. Unless otherwise stated, the requirements of a statement / letter are effective immediately.

18. The DPM does not constitute national planning policy but sets out detailed guidance in relation to matters such as plan preparation and procedural requirements, evidence base requirements, topic specific policy, the tests of soundness, the examination process, general conformity and the approach to be taken the monitoring, revision and review of plans.

Development Plan Hierarchy

The plan hierarchy

19. The Development Plan hierarchy in Wales is provided by a combination of the National Development Framework (NDF), Strategic Development Plan (SDP), LDPs and LDP Lites. The combination of these documents is intended to strengthen the plan-led approach to planning in Wales.

20. The NDF, which is the upper tier of the hierarchy, is Future Wales – The National Plan 2040 which was adopted by the Welsh Government in 2020.

21. The second tier of the hierarchy is provided by SDP. At the time of writing work had not formally commenced on the preparation of SDP in Wales.

22. LDPs and LDP Lite are the third and lowest tier of the hierarchy. LDP Lites are intrinsically linked to the development of SDP, and as such will not be prepared until a SDP has been adopted.

General conformity

23. Matters in relation to general conformity are addressed in PCPA (Section 62(3A)) and the DPM.

24. General conformity is achieved when the lower tier plan supports and upholds the general principles of the most up-to-date higher tier adopted plan(s). Only where there is an inconsistency or omission in the lower tier plan that would cause significant harm to

the implementation / delivery of the strategy of the upper tier plan(s) would a plan then be considered not to be in general conformity. For example:

- Substantial change in policy context
- Substantial change in strategy / focus / direction
- Substantial change in spatial distribution / role of function
- Substantial change in levels of growth (e.g. housing / economy)

25. Representations in respect of conformity must be submitted as part of the consultation process in respect of the deposit draft LDP and will be considered by the Inspector as part of the examination. Any representation relating to conformity should be made by the plan making authority for the higher tier plan, for example the Welsh Government will make representations regarding general conformity issues for an SDP, and the Strategic Planning Panel will make representations on general conformity issues relating to LDPLs.

26. The fact that a development plan may be inconsistent with one or more polices in the upper tier plan, either directly or through the omission of a policy / proposal, does not, by itself, mean that the plan is not in general conformity. Rather, the fundamental point is how significant the inconsistency is from the point of view of delivery of the upper tier plan. Whilst it would be acceptable for the lower tier plan to provide further detail in relation to making it more locally distinctive, it fundamentally must not undermine the overarching strategy, policies or proposals in the upper tier plan(s).

Local Development Plan Preparation

27. Detailed advice and guidance about the preparation of LDPs, including the approach to public consultation and engagement, evidence gathering, policy formulation and is the examination process, is contained in the DPM, but essentially there are two key stages:

- Preferred Strategy – where the LPA sets out a draft version of the plan, explaining why certain strategic and spatial choices have been made
- Deposit LDP – consultation on the plan which is to be submitted to examination.

28. If the consultation on the Deposit LDP raises matters which the LPA considers may put the ‘soundness’ of the LDP at risk, it may then choose to make ‘Focussed Changes’ to the plan which address these concerns.

The Role of the Inspector in the Examination Process

29. The legislative framework allows the Inspector significant scope to determine how an LDP examination is conducted. However, to promote consistency in the approach taken to the organisation and management of examinations, the Procedure Guidance outlies a series of tasks which should be undertaken within prescribed timescales. If for any

reason the Inspector considers it is necessary to depart significantly from the procedures outlined in the Procedure Guidance, they should seek the advice of their Planning Inspector Manager about how to proceed.

What is the legal basis for the Inspector's role in the examination?

30. Section 20(4) of the PCPA requires an examination to be carried out by a person appointed by the Welsh Ministers. Unlike in s78 appeals, the Inspector is conducting an independent examination, not acting on behalf of the Welsh Ministers. Where it is expedient to do so, an Inspector and assistant Inspector may be appointed to conduct an examination.

31. It is important to note however, that should they wish to do so sections 20(6A), 21 and 21A of the PCPA gives the Welsh Ministers various powers of '*intervention and direction'* in an examination. These powers would allow for an LDP to be withdrawn or modified in a manner directed by the Welsh Ministers. In practice these powers have never been used in an LDP examination in Wales.

33. The purpose of the examination is to determine whether the LDP is sound and meet all the procedural requirements set out in legislation.

34. Section 20(7), (7A), (7B) and (7C) of the PCPA set out the various possible outcomes of the examination and what the Inspector is required to do in each case.

What does national guidance say about the Inspector's role in and approach to examinations?

35. The DPM advises that the Inspector should work proactively with the LPA. Underpinning this is the expectation that:

- issues not critical to the LDP's soundness or other legal requirements do not cause unnecessary delay to the examination of the plan.

- Inspectors should identify any fundamental concerns at the earliest possible stage in the examination and seek to work with the LPA to clarify and address these concerns, and

- where these issues cannot be resolved within the examination timetable, the potential for suspending the examination should be considered, with the LPA having an opportunity to assess the scope and feasibility of any work needed to remedy these issues to be considered by the Inspector.

36. The Franks principles of openness, fairness and impartiality apply to examinations as they do to all procedures over which Inspectors preside. Inspectors must never communicate directly with any party, including the LPA, outside the hearing sessions. All communications between the Inspector, LPA and any other party must be conducted through the Programme Officer [PO].

How should the Inspector communicate with the LPA?

37. An Inspector's role in examining a plan differs significantly from the role of conducting appeals casework. Rather than reaching a decision to allow or dismiss based solely on the information before them, examining Inspectors are expected to work proactively with the LPA to resolve soundness and legal compliance issues wherever possible. However, at the same time, the examination must remain rigorous and impartial, and the Inspector will sometimes reach conclusions the LPA may not welcome.

38. The LPA will have invested substantial time and effort in preparing an LDP, and once it is adopted the LPA will be responsible for implementing it. As a result, it is important that good channels of communication between the Inspector and the LPA, via the PO, are maintained throughout the examination and that, wherever possible, the Inspector establishes a positive working relationship with the LPA. The important thing is that the Inspector should have communicated any concerns they may have to the LPA as soon as possible so that the LPA has a reasonable opportunity to respond, and so that any unwelcome conclusions from the Inspector do not come as a surprise.

39. Similar principles apply to the examination process itself. For example, the LPA should normally be given the opportunity to comment before the Inspector makes any important procedural decisions. When asking the LPA to provide information or comments on any issue, the Inspector should take care to set reasonable deadlines.

The Role of the Programme Officer

What is the role and status of the Programme Officer?

40. The Procedure Guidance, through paragraph 2.2 outlines the role of the Programme Officer (PO). As explained earlier, outside the examination hearing sessions, the Inspector should have no direct contact with the LPA or any other party: all phone calls and correspondence are handled by the PO on the Inspector's behalf.

41. The PO is appointed by the LPA. POs are often self-employed and highly experienced in the role. Or on the other hand, LPAs can choose to second a member of their own staff to act as PO for the duration of the examination. Provided the PO has had no involvement in the preparation of the plan that is perfectly acceptable.

42. Where the LPA has chosen to seconded member of staff it is likely that they will be less familiar with examination procedures and may need more support from the Inspector than an experienced, self-employed PO.

43. If the PO is an LPA employee, it is also particularly important to ensure that they are seen by all parties as independent of the LPA in the way they perform their role. The

PO should have an office away from the local plan policy team. If an Inspector has any concerns in this regard, they should seek advice from their Planning Inspector Manager.

When should the Inspector first make contact with the Programme Officer?

44. The Inspector should make contact as soon as possible after they have been appointed. It is important to do this, in order to begin to establish a positive and constructive working relationship.

When should the Programme Officer first make contact with representors?

45. The PO should make contact with the representors as soon as possible after the Inspector has been appointed. The PO's initial email to all those who have made representations should inform them of the Inspector's appointment and provide a link to the examination website. It should make it clear that additional written material is not invited at this stage and that the PO will contact them again to set out the arrangements for the hearing sessions.

How should the Inspector work with the Programme Officer?

46. Although the PO is appointed by the LPA they work under the Inspector's direction. A good PO is an immense help as they can be left to deal with most of the administrative aspects of the examination, including queries from the public and participants, leaving the Inspector to concentrate on the plan itself. Usually, the relationship is a collaborative one and often the PO and the Inspector get on very well. Even where that is not the case, a sound working relationship is almost always established. Serious conflicts or personality clashes are very rare, but if one occurs you should seek advice from your Planning Inspector Manager.

47. The key to a good working relationship is for the Inspector and the PO to be open and clear about what they are doing and what they each expect the other to do, at each stage of the process. The Inspector should be reasonable when setting tasks and timescales for the PO.

48. Experienced POs may have their own established way of running examinations. That can often be a benefit, especially if the Inspector is less experienced. However, the Inspector should be careful to ensure that the examination is conducted in accordance with the Procedural Guidance and in a manner which they consider appropriate. If it is not, then the Inspector should clearly explain how they would like the examination to be organised.

49. An inexperienced PO, on the other hand, may need the Inspector to guide them through the examination procedures. If this is the case, the Inspector should ask them to read Procedure Guidance and the PO Guidance and, if possible, observe a hearing session at another examination. To allow the PO to gain a greater understanding of the role

consideration should also be given to putting them in contact with a more experienced PO operating in Wales.

50. Emails between the Inspector and the PO are subject to Freedom of Information requests. Informality is fine within reason, but you must avoid saying anything that would be embarrassing or would appear to compromise your impartiality if it became public. It is also important to give the PO clear instructions about the exact content of any messages you ask them to send to other parties, including the LPA.

An overview of the Examination Process

Examining for soundness

51. The DPM sets out the preparation requirements and tests of soundness for LDP. These are:

Tests of Soundness
Preparation Requirements: • Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regs, Delivery Agreement, Strategic Environmental Assessment Regulations, Sustainability Appraisal, Habitat Regulations Assessment etc.?) • Is the plan in general conformity with the NDP and/or SDP? (when published or adopted respectively)
Test 1: Does the plan fit? (Is it clear that the LDP is consistent with other plans?) Questions: • Does it have regard to national policy (PPW) and the NDP? • Does it have regard to the Well-being Goals? • Does it have regard to the Welsh National Marine Plan? • Does it have regard to the relevant Area Statement? • Is the plan in general conformity with the NDF (when published)? • Is the plan in general conformity with relevant SDP (when adopted)? Is it consistent with regional plans, strategies and utility provide programmes? • Is it compatible with the plans of neighbouring LPAs? • Does it regard the Well-being Plan or the National Park Management Plan? • Has the LPA demonstrated it has exhausted all opportunities for joint working and collaboration on both plan preparation and the evidence base?
Test 2: Is the plan appropriate? (Is the plan appropriate for the area in the light of the evidence?) Questions: • Is it locally specific?

- Does it address the key issues?
- Is it supported by robust, proportionate, and credible evidence?
- Can the rationale behind the plan's policies be demonstrated?
  Does it seek to meet assessed needs and contribute to the achievement of sustainable development?
- Are the vision and the strategy positive and sufficiently aspirational?
- Have the 'real' alternatives been properly considered?
- Is it logical, reasonable, and balanced?
- Is it coherent and consistent?
- Is it clear and focused?

Test 3: Will the plan deliver? (Is it likely to be effective?)

Questions:

- Will it be effective?
- Can it be implemented?
- Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?
- Will development be viable?
- Can the sites allocated be delivered?
- Is the plan sufficiently flexible? Are there appropriate contingency provisions?
- Is it monitored effectively?

52. Appendix 1 of the LDP Procedure Guidance identifies typical evidence often used to demonstrate compliance with the procedural requirements and soundness tests.

53. The tests of soundness apply equally to every LDP in Wales. The DPM makes clear that an LDP should only be submitted for examination by an LPA where it considers the plan to be sound; and it is for the authority to demonstrate that the plan meets all of the tests of soundness.

54. If any aspect of the plan clearly fails one or more of the soundness tests, it is the Inspector's role, where possible, to put it right. Most of the Inspector's time during an examination is usually taken up with identifying, discussing, and resolving soundness issues. In doing so, caselaw[1] makes clear that Inspectors have a great deal of discretion in identifying and remedying soundness issues provided that the approach taken is rational and the relevant guidance and other material considerations are taken into account. Equally, Inspectors must not get drawn into discussing or suggesting improvements to the plan if they are not needed to make it sound. This is not the Inspector's role.

55. Section 20(5)(a) of the 2004 Act define the sections of the PCPA and the LDP Regs the Inspector must use to determine whether or not an LDP is sound. Section 20(5)(a) lists what are essentially procedural requirements for the preparation and submission of the plan.

[1] Grand Union Investments Ltd v Dacorum BC [2014] EWHC 1894 (Admin)

56. It is quite common for representors to claim that the LPA have failed to meet one or more procedural requirements, sometimes with an explicit or implied indication that the adoption of the plan could be challenged because of that failure. It is important to bear in mind what section 113(6) and (7) of the PCPA say about challenges to the LDP based on a failure to meet a procedural requirement under section 20(5)(a). If such a failure has occurred, the High Court has the power to quash or remit the plan only if it is satisfied that the interests of the applicant (the person bringing the challenge) have been substantially prejudiced because of the failure.

57. If faced with a claim that a procedural requirement has not been met, the Inspector should first establish what the relevant section of the PCPA or LDP Regs requires the LPA to do and then, through correspondence with the LPA and / or discussion at the hearing sessions, determine whether that requirement was met. If it was not, the Inspector must consider whether it is likely that anyone's interests would potentially be substantially prejudiced as a result.

58. Even if the Inspector concludes there would potentially be substantial prejudice, this should not be the end of the matter. In most cases it is possible to remedy a procedural failure in such a way that no person's interests are substantially prejudiced. For example, if when preparing an LDP, the LPA failed to have regard to national policies and guidance as required by section 19(2) of the PCPA, it is very likely that the failure, if necessary, is capable of remedy by means of matters arising changes to the plan. If there was a procedural failure in the way that the Sustainability Appraisal (SA) was carried out (section 19(5)), it may be possible for the LPA to re-do all or part of the SA correctly.

59. Cases where there has been a procedural failure which could potentially result in substantial prejudice to one or more parties, and which it is not possible to remedy, are extremely rare. If an Inspector thinks they are faced with such a situation, they should discuss the matter with their Planning Inspector Manager.

Should examination documents should be translated?

60. Any documents issued by the Inspector must, in accordance with the Welsh Language Standards and be translated into Welsh. Where the Inspector is communicating with many people, for example through the production of guidance notes for participants, the hearing programme, matters, issues and questions, correspondences with the LPA etc, the documents must be translated, and bilingual versions of the documents must be sent the parties and made available on the examination website.

61. To ensure clarity about language preference, Inspectors should via the PO write to the representors asking them to confirm which language they wish to participate in during the examination. This request is usually included in the Inspector's introductory letter. As a rule, where an Inspector receives a letter / email they should respond in the language used by the author e.g. correspondence written in Welsh, must be replied to in Welsh.

62. Where a representor wishes to participate in Welsh, the Inspector should ask the LPA to ensure provision is made for simultaneous translation.

63. In addition, to avoid any unnecessary delay, the Inspector should discuss with the PO at the earliest opportunity the need for documents to be translated and the timescales for producing bilingual documents. It is the LPA's responsibility to provide translation. However, in exceptional circumstances, where these services cannot be provided in a timely manner by the LPA, the Inspector should discuss alternative options with their Inspector Manager or the Planning and Environment Team.

64. The need for all other examination documents to be translated is a matter for the LPA to determine in accordance with their Welsh Language Standards and individual authorities' Welsh Language Strategy.

When should an examination be suspended?

65. Where it is considered appropriate to do so, an Inspectors can suspend an examination. Generally, examinations are suspended where the LPA is required to produce a significant piece of new evidence which is critical to the soundness of the plan and / or to allow for a public consultation exercise to be carried out.

66. Where it is considered that such action is necessary, the Inspector should discuss the matter with the LPA and agree the commencement date and duration of the suspension period. Once agreed, the Inspector should write to the LPA formally notifying them of the decision to suspend the examination.

67. An example of a typical suspension letter is attached at Appendix A.

What is the overall timescale for carrying out an examination?

68. The target for conducting an examination of a full plan is 11 months and for a strategy / partial review it's 10 months (excluding suspensions).

Stages in the Examination Process

69. This part of the chapter is intended to be read in conjunction with the advice contained in the Procedure Guidance. The information provided is intended to supplement that in the Procedure Guidance and provide in respect of each stage of the examination process.

70. Within each of the defined stages of the examination process there are a series of practical and procedural tasks that need to be undertaken. These are:

Pre-Submission

71. In general, the tasks associated with the Pre-submission stage are managed by the PET in discussion with the Senior Leadership Team.

72. Before the submission of an LDP for examination, an in-person or virtual **Advisory Visit** will be arranged between the submitting LPA and PEDW. The representatives from PEDW will include a member of PETs and a senior Inspector with experience of the examination process. The purpose of the meeting is to discuss the procedural or practical arrangements for the submission of the plan and to address any concerns either party may have with the process. Discussions should include matters in relation to the submission of documents in accordance with the requirements of LDP Regs (Regulation 22), the provision of a written response to the preliminary questions and the form and content of the examination website. The meetings should be undertaken in a positive and proactive manner. A note of the meeting should be taken by PET and agreed between the parties.

73. The note should be shared with the Inspector conducting the examination as soon as possible after their appointment.

74. Further guidance in relation to Advisory Visits is contained in the LDPs: Preparing for submission.

Table: LDP Examinations – Key Tasks

LDP Examinations - Key tasks	
Stage 1: Weeks 1 to 8 - Initial tasks for Inspector after submission (8 Weeks)	
Inspector: • reads submitted LDP, consultation report, evidence base documents, response to preliminary questions and representations • reviews DM policies and, if necessary, writes to LPA with initial questions • identifies representors who wish to be heard at the hearing sessions. • determines whether a Pre-Hearing Meeting (PHM) is necessary • meets with PO to discuss procedures, timescales and draft documents. • drafts guidance notes, which includes timetables • drafts schedule of matters, issues and questions • guidance notes and schedule of matters, issues and questions issued.	
Stage 2: Weeks 9 to 14 - Pre-Hearing (6 weeks)	
• The PHM is held (if necessary). • Inspector reads submitted statements and prepares for hearings.	**4 weeks free for other work**
Stage 3: Weeks 15 to 19 – Hearings (5 weeks)	
Inspector holds hearing sessions, typically scheduled over 5 weeks with a 1 week break in the middle.	
Stage 4: Weeks 20 to 43 - Consultation and reporting (24 weeks)	
• Inspector agrees action points / MAC schedule for consultation • Inspector writes the report	
• Inspector send draft Report for internal QA • If necessary, Inspector amends report following internal review • PETs forward the confidential draft report to the LPA for 'fact checking'. • LPA has 2 weeks to carry out the fact check. • Inspector makes any necessary adjustments. • The report is translated and issued.	Weeks 38 to 43 **6 weeks free for other work**

Stage 1: Submission - Initial Tasks

75. Advice and timescales for the completion of the initial stage of the examination process is contained in the Procedure Guidance. The following tasks are to be undertaken in weeks 4 to 8 after submission in the case of a full plan and a plan revision (strategy) and in weeks 3 to 5 in a plan revision (partial).

76. The formal submission of documents for examination will be managed by the PET. The team will review the documents provided to ensure that they meet the requirements of the Regulation 22 and ensure that a written response to the preliminary questions is provided by the LPA. When the PET are satisfied that all the information required has been submitted in an appropriate form, the LPA will be informed and the examination will begin.
77. Once the submitted documents have been validated, an Inspector will be appointed to conduct the examination. The appointment will be formally confirmed in a letter from the PET. The letter provides information in relation to the case reference number, start date for the examination, the contact details for the PO, and should be retained by the Inspector.

78. The Inspector should contact the PO as soon as possible after their appointment to introduce themselves and start to establish a positive working relationship. As part of this initial meeting the Inspector should ask the PO or if appropriate, a planning officer to produce **spreadsheets** containing the following information:

- Details of all of the duly made representations submitted in respect of the deposit draft LDP and the Focussed Changes. This information should set out in Document / Chapter order and contain the representor / representation number, the policy / proposal to which the representation applies, whether the representation supports or objects to the plan and if the representation is maintained or withdrawn; and

- A list of objectors with duly made representations to the deposit LDP or Focussed Changes who wish to participate in the hearing sessions. The list should be set out in Document / Chapter order and contain the representor / representation number, the policy / proposal reference and if the representation is maintained or withdrawn.

79. This information is necessary to allow the Inspector to understand the nature and scale of objection to / support for the plan, the number of representors who wish to participate in the hearing sessions and will assist in the formulation of the Matters, Issues and Questions (MIQs).

80. At the same time as the spreadsheets are being prepared, the Inspector should undertake an **initial review** of the submitted evidence. At this stage the purpose is simply to identify any obvious gaps in coverage. All LDPs are different so there will be variations in the make-up of the evidence base but there are some studies that are common to all plans e.g. Local Housing Market Assessments, Viability Studies and

Candidate Site Assessments (see Appendix 1 of the Procedure Guide). Any gaps that are identified should be discussed with the LPA via the Programme Officer.

81. Once in receipt of the spreadsheets the Inspector should draft an **introductory letter,** which briefly explains the approach to the examination, and the **Guidance Notes for Participants**. The notes should provide contact information for the PO, explain the procedural requirements associated with the examination / hearing sessions, and outline an indicative timetable for the examination.

82. The exact form and content of the introductory letter and guidance notes is a matter for the Inspector to determine. But an example of the introductory letter can be found in the LDP Examination: Guidance for Programme Offices as Appendix 2, and an example template for the guidance note is attached at **Appendix B**.

83. The Guidance Notes should be accompanied by an initial **Draft Hearings Programme** which sets out the list of sessions, the date / time on which it will be held, the topic for discussion and list of representors eligible to participate in the hearing. To comply with GDPR requirements it important to list the representor numbers / representation number only. The Hearing Programme is likely to be updated on a number of occasions through the examination so for simplicity it is better that this is presented as a stand-alone document. The Guidance Notes and Draft Hearing Programme should be published no later than 8 weeks after the submission of the plan.

84. An example of a Hearings Programme is attached at **Appendix C**.

85. The Inspector should take the opportunity to review the form, structure and content of the **Examination Website**. Although examination websites are broadly similar, there can be variations in the approach and the Inspector should be satisfied that all the necessary information is provided on the website in an accessible format. Any issues with the examination website should be raised with the LPA via the PO.

86. A list of the documents typically found in an evidence base can be found in the LDP Examinations: Procedure Guidance, Appendix 1 and a basic structure for an examination website is included in LDP Examination: Guidance for Programme Officers, Appendix 1.

87. Once these tasks are complete, the Inspectors should read the submitted documents in earnest. Approaches to reading the documents differ but generally Inspectors read the deposit draft plan, preliminary questions, consultation report and representations and then move on to the evidence base documents. This is a time-consuming process, but it is important that the Inspector is meticulous. Judgements made at this stage will form the basis of the MIQs and guide the remainder of the examination.

88. As part of the reading process, the Inspector should undertake a review of the **Development Management Policies** (DM policies) contained in the LDP. The aim is to identify any policy requirements that are unclear, lack precision or are not in ‘general

conformity' with Future Wales and national planning policy. Where minor deficiencies are identified with the DM policies or the submitted evidence the Inspector should write to the LPA outlining the areas of concern and requesting the authorities view on how issues could be ameliorated. These **'initial questions'** could relate to matters such as the need for the plan to be amended to reflect updated guidance or clarification about policy requirements. Often these matters are easily resolved. Where amendments to a plan are proposed by LPA, they should be included in an Action Point table and formally agreed by the Inspector. These changes, and others made during the examination will form the basis of the Matters Arising Changes (MACs). To ensure transparency, all correspondence should be placed on the Examination Website.

89. As part of the initial questions, the Inspector should ask the Council to **confirm which plan is being examined**, e.g. the Deposit Draft LDP (as amended by the focussed changes), and that the lead officer attending the hearing sessions has been **delegated authority** to agree changes to the plan without having to refer matters for to Cabinet or Committee for approval. These questions can be asked either in writing or at the PH. Where delegated authority has not been agreed, it is essential that the Council take the steps necessary to ensure that it is in place prior to the commencement of the first hearing sessions.

90. Where the deficiencies are more significant, the Inspector should discuss the issue(s) with their Inspector Planning Manager before writing to the LPA. The areas of concern could relate to matters such as the failure to provide robust viability information or a significant shortfall in the housing supply, which may affect a number of policies and proposals within the plan. If it is determined that the area(s) of concern relate to fundamental or cumulatively flaws that draw into question the soundness and / or procedural compliance of the plan, which cannot easily be resolved, the Inspector will need to hold an **Exploratory Meeting** with the LPA to discuss these matters. Advice in relation to holding an Exploratory Meeting is contained in the Procedural Guidance.

91. If, following an exploratory meeting, it is determined that additional evidence is necessary to support the plan, the examination should be suspended for an agreed period to allow the information to be prepared. Once the additional evidence has been submitted and agreed, the examination can proceed.

92. An example of Inspector letters to LPA requesting further information / clarification; and advising of the need for an exploratory meeting is attached at **Appendix D and E**.

93. Where an Inspector is satisfied that there are no significant deficiencies in the plan, the examination can proceed.

94. In discussion with the LPA, the Inspector should determine whether it is necessary to hold a **Pre-Hearing Meeting** (PHM). Generally, a PHM will only be necessary where an LPA has not been through an examination in the recent past (10 years or so) or there are policies / proposals in the plan which are controversial and have generated a significant number of representations in the local area.

95. Where it is determined that a PHM should be held, a date should be set for the meeting, and the Inspector should write to the representors providing them with details of the meeting and enclosing a copy of the Guidance Notes for Participants and Draft Hearing Programme. Details of the meeting should be advertised by the LPA, giving at least 4 weeks' notice. Where it is agreed that a PHM is not necessary, the Inspector should write to the representors advising them of the decision and enclosing a copy of the Guidance Notes for Participants and Draft Hearing Programme.

96. At the same time the Inspector should start to prepare the schedule of **MIQs**. This should be prepared on a topic basis and have regard to the representations made to the deposit draft plan (including focussed changes), the supporting evidence, Future Wales and national planning policy. The questions need to be carefully and precisely worded to ensure that they address the issue(s) in a clear and concise manner. The objective is to get an unambiguous response to the question that clarifies / resolves the issue.

97. Whilst repetition isn't generally encouraged in MIQs, there may be occasions when asking a broadly similar question about an important issue might be helpful to allow an inspector to get a greater understanding of the issue. For example, asking a question about the make-up of the housing supply and then asking detailed questions about each of the individual components of the supply, might reveal an inconsistency or confirm that the approach is sound.

98. Whilst the MIQs be drafted with regard to the representations, they need not be led by them. It is important to appraise whether objections raised by representors raise legitimate questions about the soundness of the plan. If they do not, there is no need to pursue the issue. (It is good practice to include an 'any other matters' section at the end of each hearing agenda so that objectors can exercise their right to be heard if they have not already had the opportunity to.) Conversely, inspectors may pose questions in relation to matters which have not been identified by any objector.

99. An example of a Schedule of MIQs is attached at **Appendix F.**

Stage 2: Preparing for Hearing Sessions

100. Advice and timescales for the completion of the 'Preparing for Hearing Sessions' stage of the examination process is contained in the Procedure Guidance. The following tasks are to be undertaken in weeks 9 to 14 in the case of a full plan and a plan revision (strategy) and weeks 6 to 10 in a plan revision (partial).

101. Any PHM should be held approximately 8 weeks after the submission the plan for Examination. The meeting is conducted by the Inspector in a formal setting. Its purpose is to explain to the LPA, representors, agents and member of the public the practical and procedural requirements of the examination. Importantly, the meeting also provides an opportunity for: the Inspector to confirm with the Council that it has prepared the plan in accordance with the Delivery Agreement and Community Involvement Scheme; that the plan conforms with the requirements of the WBFGA and the integrated sustainability

appraisal (or its component parts which include, a SA/SEA an HRA and EqIA); and Delegated Authority is in place. Importantly, it also allows representors, agents and members of the public to ask the Inspector about procedural aspects of the examination. The meeting provides a valuable opportunity for the Inspector to engage with the parties before the hearing commence, and as such, it is important for the Inspector to set the correct tone and manage the event in an effective, efficient and confident manner.

102. An example of the explanatory notes for a PHM is attached at **Appendix G.**

103. Where possible, a note of the PHM should be taken by the PO. The note together with the final versions of the **MIQ**s and Hearing Programme should be published on the examination website no later than 6 weeks before the start of the hearing sessions.

104 In accordance with the requirements of the Guidance Notes, **written statements** from the LPA and representors appearing at the hearings should be submitted 2 weeks before the start of the sessions. The LPA must prepare statements for all of the hearing sessions. However, it is common for representors to rely on their submitted representations and not submit a statement. This is perfectly acceptable. The statements should be published and circulated to the relevant participants by the PO as soon as possible.

105. The Inspector should read the statements submitted by each participant carefully, identifying the need for supplementary questions, adjusting the hearing agendas accordingly and / or potential/draft action points required to address any deficiencies.

106. Although not often required, the Inspector should also be open to receiving rebuttal statements from participants if they are necessary clarify and issue prior to the start of the hearing sessions.

Stage 3: Hearing Sessions

107. Advice and timescales for the completion of the 'Hearing Sessions' stage of the examination process is contained in the Procedure Guidance. The following tasks are to be undertaken in weeks 15 to 19 of a full plan, weeks 11 to 13 of a plan revision (strategy) and weeks 11 to 13 of a plan revision (partial).

108. Hearing sessions can be held either in person or virtually. PEDW's default position is to hold examinations virtually. If the LPA disagrees, it will need to provide compelling reason for holding an in person examination. In both cases the Inspector needs to be satisfied that the LPA and representors can participate in an effective and efficient manner. Where this is not the case the Inspector should seek to ensure that all reasonable adjustments are made to ensure participants requirements are accommodated. Sometimes this may require the Inspector must place gentle pressure on the authority to ensure that these adjustments are made in a reasonable and timely manner.

109. The organisation of the sessions is a matter for the Inspector in discussion with the LPA. Hearings sessions are typically held over a 5-week period. The established pattern requires hearings to be held on 3 or 4 days per week and in 2 - week blocks with a 'break week' in between weeks, for example 1 – 2 and 3 – 4. As part of the programme Inspectors should consider the need for additional 'catch up' sessions to ensure that any matters that haven't been completed can be addressed. These sessions are often programmed for Friday morning. In practice though it is better to avoid the need for a catch-up session and, where the hearing is likely to be lengthy, allocate an additional sitting additional day.

110. The exact number of attendees at the hearing sessions will depend on how many representors wish to speak. The right to be heard means that if only one representor wishes to speak at a hearing, the session must be held. Similarly, there is no upper limit to the number of representors who can speak at a hearing session. But, for practical reasons, attendance at sessions should be limited to around 25 people.. Where sessions with large numbers of participants are to be held, the Inspector should consider holding in person session in order to ensure all attendees can fully participate in the hearing

111. To limit the number of participants at a hearing, the Inspector can ask for a spokesperson to be nominated to represent a group / organisation or individual representors who have the same / similar concerns. Where this isn't possible, the Inspector will need to consider holding **duplicate hearing sessions**. If the Inspector decides to run duplicate sessions, it is important that the hearings are held on consecutive days and the proceedings for the sessions are identical. The allocation of participants to the sessions should be undertaken in a clear and logical manner and, where possible, representors with similar concerns should be grouped together. At the beginning of the second session, the Inspector should outline briefly the key issues that were discussed on the first day and, importantly, the action points that were discussed and agreed.

112. The Inspector should also be mindful that, although representors are asked to identify their wish to speak when they make representations, in practice anyone with a duly made representation objecting to the plan can request to speak at a hearing session – even if it is last minute. It is important for the Inspector to be flexible and, unless there is a compelling reason why not, respond positively to a request.

113. In addition to representors, the Inspector has the discretion to invite any party that they consider would be of assistance to attend to individual hearing sessions, this may include for example representatives of public bodies such National Resources Wales, landowners etc.

114. The order of the hearing sessions is a matter for the Inspector. The first session to be held should always address matters in relation to the preparation of the plan, after that the order of the sessions to be held will depend on the structure of the plan, dealing with matters such as strategy, housing, affordable housing, employment and

economy, natural and built environment, renewable energy and so on. Objections which are promoting **alternative sites** should not be considered in the first round of hearing sessions. Additional hearing sessions to consider alternative sites will only be necessary where an Inspector identifies a deficiency in the quantum of development proposed and the LPA propose the allocation of additional sites. .

115. No later than one week before the opening of the hearing sessions the Inspector should publish an agenda for the meeting. An example of a typical agenda is attached as **Appendix H.**

116. The structure of each of the hearing sessions is the same. The Inspector opens the session promptly at the elected time and then, following the introductions, explains the practical and procedural matters associated with the session. A copy of a standard opening is attached at **Appendix I.**

117. Once this is complete, the Inspector should move on and work through each of the MIQs for the session**,** starting with the LPAs response and then opening up the discussion. It is important that everyone who wishes has the opportunity to do so, and the Inspector listens to, and understands the points that are being made. When everyone has had the opportunity to speak, the Inspector can, if appropriate, ask any supplementary questions they consider necessary. Where the Inspector still requires detailed clarification of an issue or is suggesting an amendment to the plan, it may be expedient for the Inspector to ask the LPA or representor to provide additional written information.

118. It is important that during each hearing session the Inspector takes a detailed written note of the key issues and any **action points** that may arise. After all substantive matters have been concluded, the Inspector should adjourn briefly before resuming to discuss and agree the list of action points with the LPA and representors who may be party to these requirements. Any participants who wish to, can view these discussions but those who do not should be invited to leave during the final adjournment. After each hearing, the Inspector should then send a draft list of the action points, with a date for the information to be provided or the action to be completed, to the LPA for agreement. Once agreed the document should be published on the examination website.

119. Attached at **Appendix J** is an example of an Action Point Table.

120. Where possible, the LPA and / or representors should submit the additional information required in respect of the action points over the course of the hearing sessions. The Inspector should review this information promptly, and, where appropriate agree the submission(s); this can often be done during the openings of subsequent hearing sessions. Where the additional information does not address the identified concerns, the Inspector should write to the LPA explaining the **deficiencies** and setting a new submission date. The action points will form the basis of the MACs so, it is important for the Inspector to be satisfied that they address all the identified concerns in a robust and comprehensive manner.

121. If a MAC is identified which entails a significant amount of additional work and/or changes to the LDP, it may be necessary to hold an additional hearing session to probe the new evidence and hear from interested parties. The manner of arranging this should follow the same procedure to the initial sessions e.g. advertised for at least 6 weeks in advance, with MIQs identified in a hearing agenda, alongside a list of representor numbers.

122. Where the Inspector is unable to reach agreement with the LPA on the need for, or nature of an amendment to, the plan consideration will need to be given to making an **'Inspector Matters Arising Change'** (IMAC). This may often be the case if an additional hearing session is required, in which case the potential need for an Inspector-imposed change may be anticipated. In such cases it may be worthwhile being proactive and, if appropriate, being prepared with written drafts of any change(s) that you may be minded to impose. Only circulate these with the consent of the parties and ensure that they have sufficient time to consider them during an adjournment. It should be made clear to any parties that the final version of any IMACs will be consulted on alongside the MACs.

123. At the end of the last of the scheduled hearing sessions, the Inspector should explain that next stages of the examination, for example the MAC consultation, confirm the estimated delivery date for the Inspectors' report and thank the LPA, representors and PO for their assistance during the hearing sessions.

Stage 4: Reporting and the submission of the fact check report

124. Advice and timescales for the completion of the 'Consultation and Reporting' stage of the examination process is contained in the Procedure Guidance. The following tasks are to be undertaken in weeks 20 to 43 of a full plan, weeks 14 to 30 of a plan revision (strategy) and weeks 12 to 21 of a plan revision (partial).

125. Following the close of the hearing sessions the Inspector should:

- Review the action points to ensure that all the required information has been submitted and agreed. Where there are outstanding matters, contact the LPA and provide them with a clear deadline for submitting the information. Unless there is a compelling reason not to - hold them to the deadline.

- Carefully assess the written and oral evidence submitted throughout the examination to ensure that they fully understand all the issues and that the evidence provides a robust basis on which to determine the soundness of the plan. If concerns remain about an issue, the Inspector should seek additional information from the LPA. Where the issue(s) are important but do not go to the heart of a plan, these discussions can take place via the PO. To ensure transparency, the request should be added to relevant list of action points.

Where the area of concern raises matters in relation to the soundness of the plan, for example an issue in relation to the supply and or delivery of housing, a more formal approach is required. The Inspector should write to the LPA, clearly explaining their concerns and, where appropriate, outlining the steps necessary to ameliorate the situation.

Before writing to the LPA, the Inspector must seek the advice of their Planning Inspector Manager about how to proceed.

The Inspector should also be mindful that a requirement to ameliorate a deficiency in a plan's housing supply may necessitate a consultation process and additional hearing sessions to be held prior to the MAC consultation.

126. Attached at **Appendix K** is an example of an Inspector's letter which raises substantive concerns.

- Draw up a list of sites that need to be visited. The list doesn't need to include all the allocated sites, the focus should be on those sites which are subject to objection, or which Inspector considers maybe constrained. Generally, site visits are conducted on an unaccompanied basis but, depending on the nature of site, arrangements may need to be made by the PO for the Inspector to access a site. It's rare but there may be occasions that when objectors ask to attend the site visit, where this happens, the Inspector should seek to accommodate the request.

  The site visits should be undertaken as soon as possible after the close of the hearing sessions and conducted in accordance with the guidance contained in the PEDW ITM – Site Visits.

127. Once the Inspector is satisfied that all of the relevant matters can be satisfactorily resolved, they should write to the LDP asking them to prepare a **Schedule of MACs**. The Schedule should include a list of the MACs, MAP MACs (i.e. changes to the Proposals Map) and any minor editorial changes that the LPA may wish to make, and be accompanied by an ISA or relevant component parts, for example a SA/SEA, HRA, Equality Impact Assessment etc.

128. The MACs should be based on the changes agreed through the action point process, ideally set out in plan order and provide sufficient detail to allow the reader to understand that nature of the change. The Schedule doesn't need to include details of every amendment to the plan that might arise from a MAC, these can be addressed as consequential amendments when the LDP is adopted.

129. Once drafted, that Inspector should review / agree the MAC Schedule and the arrangements for the public consultation. In doing so, the Inspector should explain the requirement for the duly made representations and a **MAC consultation report** to be submitted no later than 3 weeks after the close of the consultation.

130. After the consultation the Inspector will need to review the representation(s) received, the LPAs response(s) and decide how to proceed. Where the representation(s) raise significant issues, consideration will need to be given to holding additional hearing sessions.

131. During the MAC consultation the Inspector should start drafting the **report**. The exact structure for the report is a matter for the Inspector. But to ensure consistency the report should follow the template attached as **Appendix L** and always include an introduction, plan preparation, monitoring and review and conclusions sections. It is important that in order to avoid confusion that the Inspectors Report includes that exact dates of the plan period and the date on which the plan expires. Details of these dates can generally be found in the approved Delivery Agreement or obtained from the LPA.

132. For assistance, examples of other Inspector's reports can be found at in the 'LDP Report Library' eClip: https://documents.hf.wales.gov.uk/documents/fA4218857

133. The report should be kept as concise as possible in order that it is accessible and readable by all rather than an overly lengthy technical document. The writing style should be punchy and business-like with short sentences and paragraphs of limited length. Bearing in mind that it is directed towards the informed reader it should avoid unnecessary detail and description. It should not summarise the cases of individual parties, recite national policy or include quotes from the evidence. Specific representations should not be referred to. Instead, there should be a focus on soundness (rather than improvements to the plan) in explaining why parts of the plan are sound and why parts of it aren't and MACs are required.

134. The Inspector should take a methodical approach to writing the report and address all the relevant policies, proposals and issues in a logical order. Significant issues, such as housing supply or allocated sites, should be addressed in a way which explains the objectives of the individual policies and proposals and addresses any issues in relation to soundness. Where appropriate, less significant matters can be grouped together. Conclusions about any soundness must be clearly expressed and based on a robust analysis of the issues, the available evidence and national policy.

135. In dealing with MACs, the report should explain why the submitted plan is unsound, rather than starting with an explanation of the MAC itself. However, a short explanation may be required as to how the change would overcome this deficiency. Reasoning should be clear and concise, drawing together the determinative factors in a way that leads to convincing conclusions. Matters that have no bearing on soundness, even if raised at the hearings, and any proposed additional changes should be omitted. As outlined earlier, the report should make clear that it will not address matters in relation to 'omission' or 'alternative' sites.

136. Use of footnotes must be avoided. Any material mentioned should be referenced in the body of the report, but excessive use of references can be distracting, there is no

need to cross-reference every fact to the evidence base or to include detailed calculations, especially given the risk of inaccuracy.

137. The MACs are proposed by the LPA but are recommended by the Inspector and this should be the emphasis throughout the report. Where a change is recommended the report should make clear the reason that the change is necessary and embolden the relevant MAC, for example **MAC55**. Where changes are not recommended, the report should explain why, and the MAC should not be emboldened. Minor editorial and / or factual changes are not part of the examination and, as such, recommendations relating to them should not be included in the report.

138. The Inspector is entitled to adjust the proposed MACs if this is necessary to address issues of soundness raised through the public consultation on them or for any other reason. However, any such change should not significantly alter the plan and thus require further consultation or be of a scale or a type that would warrant fresh ISA.

139. The schedule of proposed MACs should be produced as an Appendix and referred to throughout the report. The wording of the individual MACs should be precise as the report's recommendations on the changes are binding. Where required, a separate Appendix for the ICs should be included as part of the report.

140. The draft report should be completed and submitted to the Planning and Environment Team (PET) via PEDW.planningandenvironment@gov.wales for an internal **quality assurance** (QA) process to be undertaken by week 38 for a full plan **(**week 26 for a plan revision (strategy) and week 19 for a plan revision (partial)) with a response provided by within 2 weeks for a full plan (or 1 week if there are partial revisions to a plan). Any changes required as a result of the QA process should be made by the Inspector without delay.

141. The report should be submitted to the PET so it can be sent to the LPA for **'fact checking'** by week 43 for a full plan (week 30 for a plan revision (strategy) and week 21 for a plan revision (partial)). The LPA has 2 weeks (or 1 week if there are partial revisions to a plan) to carry out the fact check and provide its comments. When the report is returned, the Inspector should aim to make any revisions to the report that are necessary and send it to the PET as soon as possible.

142. The PET will then arrange for the final version of the report to be translated and sent to the LPA. The final version should be sent to the LPA within 3 weeks of receiving the 'fact check' version from the LPA. Given the likely length of the report and Trosol's turn around times, this can be very challenging.

Housekeeping

How should the Inspector record the time spend working on an examination?

143. Inspector should record any chargeable time spent on an LDP examination on their flexi sheet. In doing so they should clearly identify which LDP examination the hours worked relate to and, where there is more than one Inspector working on an examination, ensure that they do not record any unnecessary duplication of work.

What is PEDW's approach to keeping LDP documents?

144. The PET keep: the final examination report for 5 years; information relating to the invoicing of the LPA for the costs of the examination for 7 years and any correspondence dealt with directly by the PET for 1 year. Any other documents will only be kept exceptionally. All examination documents are held by the LPA on their website and retention is a matter for them.

145. However, it is possible that, the Inspector, may hold a duplicate copy of some examination documents and handwritten notes which are not in the public domain, for example those made during the hearing sessions. There are two key issues here, the possibility of requests for the Inspector to release documents which are not in the public domain, and the Inspectors responsibilities in relation to data protection.

146. These issues are dealt with in the next two questions.

What is PEDW's approach to the release of LDP documents that are not in the public domain?

147. PEDW receives requests to release documents under the:

- Freedom of Information Act 2000, and
- Environmental Information Regulations 2004.

148. The starting point is that documents should be released unless there are very good reasons not to, in line with exemptions set out in the legislation (which are different in each case). These exemptions mean that we do not need to release documents while the examination is still live, including draft reports.

149. To date PEDW have taken the view that there are good reasons to not release quality assurance comments about Inspector's reports, legal advice or advice offered by line managers and others, even after the examination has concluded. This is because the release of such documents could inhibit the free and frank provision of advice and exchange of views. However, there is no definitive position on whether any individual documents should be released, and each case is considered on its own merits.

150. Generally, though, there are few good reasons to withhold an Inspector's hearing notes whether handwritten, digital or paper. Although there have been no requests to PEDW, historically have released notes for all casework types.

151. Once the examination has closed the Inspector no longer needs to keep any documents, unless it would help in the case of a legal challenge or complaint. It is therefore advisable to safely delete/destroy any documents once they are no longer required and only retain what is likely to be essential to defend a legal challenge or complaint.

152. Any documents should therefore be disposed of after the period for making a legal challenge has passed (generally 6 weeks after the LPA has adopted the plan) or, if there is a challenge, at the point any retained documents are no longer required. Inspectors should destroy their notes before that, if they think they would be unlikely to be of assistance in a challenge.

153. However, Inspectors should be aware that any documents they do hold could potentially be released at any time. It is therefore suggested Inspectors avoid writing anything that could be misleading or damaging to you or PEDW, even in notes you consider to be personal.

154. The responsibility for disposing of documents lies with the Inspector. Information on how to safely dispose of documents is provided below.

What are PEDW's responsibilities for data protection during and after the examination?

155. The Procedure Guide (Section 1: Before Submission) explains that the Inspector will need to know the names of those who have made representations on the plan but not their addresses.

156. During the examination itself, and until that data can be disposed of, the Inspector must make sure that all such documentation is kept secure. When the examination has closed the Inspector no longer needs to keep any documentation, unless they think it would help in a legal challenge or complaint. Inspectors should safely delete / destroy any documents that are not required for this purpose and only retain what is likely to be essential to defend a legal challenge or complaint.

157. Inspectors must always ensure that any documents containing personal data are safely destroyed on the completion of the examination or at the point that data is no longer needed for the conduct of a legal challenge (which will usually be known around 6 weeks after the date the LPA adopted the plan).

158. The responsibility for safely destroying any personal data lies with the Inspector. Information on how to safely dispose of documents is provided below.

How can I safely dispose of any documents?

159. It is not acceptable to dispose of documents containing personal or sensitive information as domestic waste or at a local recycling centre, because this will not be secure. Inspectors therefore have the following options:

162 Paper copies:

- If you are coming into CP2, dispose of them in one of the Shred-it containers in the office; or
- Post them to the PET who will do the same.

163. Electronic copies:

- Any such documentation stored on your laptop should be deleted,
- Any memory stick or CD containing such documentation should be returned to the PET for disposal, and
- Any email exchanges with the PO or the PET should be deleted.

164. Examination documents that do not contain any personal or sensitive information can be disposed of via kerbside waste collection or at a local recycling centre, if your local authority will accept them. More information on data protection can be found on the Welsh Government's intranet: https://wales365uk.sharepoint.com/sites/Intranet-Security-Managing-Information/SitePages/GDPR-Data-Protection-and-Data-Breaches.aspx
Or on the ICO's website: https://ico.org.uk/for-organisations/

Topic Specific Guidance (To be Added)

Housing

Affordable Housing

Viability

Minerals

Appendices

Appendix A - Example of a suspension letter

Letter to the LPA

Dear XXXX,

Temporary suspension of the LDP Examination

As you are aware the programmed Hearing sessions are now complete. For reasons that have arisen during the Examination it is necessary to hold additional Hearings which are provisionally expected to take place in the summer.

The additional Hearings are necessary principally in order to examine:

- Additional required evidence relating to the proposed Gypsy and Traveller site allocation, including a full Flood Consequence Assessment,
- Further evidence relating to Affordable Housing on-site targets,
- Amendments to Green Wedge and Special Landscape Area designations resulting from the deletion of the Green Belt designation (which is not sufficiently justified),
- Proposed new 'Local Search Area' designations for wind and solar energy, and
- Potential area-based thresholds relating to Houses in Multiple Occupation.

As set out in our Service Level Agreement (SLA) I am committed to delivering my report within 11 months of the Examination commencing. In order to meet this target the SLA indicates that a suspension may be called where an Inspector is unable to proceed with their assessment of soundness due to a lack of data of sufficient quality or where significant concerns have arisen which require further work. The additional tasks outlined above fall within this description.

This letter is to inform you that the LDP Examination will be temporarily suspended from 17 April to 28 May (6 weeks) while the Council undertakes the further necessary work. Following this period the Examination will be reopened and the dates and agendas for the additional Hearings will be published. Accordingly the target date for delivering our report to you will be amended to **15 August 2018**. Please note, however, that this date is likely to change if further unavoidable delays arise.

If you have any questions please contact us via the Programme Officer.

Yours sincerely

INSPECTOR

Appendix B – Example of guidance notes

CARMARTHENSHIRE

REPLACEMENT LOCAL DEVELOPMENT PLAN (2018-2033)

EXAMINATION

GUIDANCE NOTES FOR PARTICIPANTS

Inspectors: [insert name (s) and qualification(s)]

INTRODUCTION

I / We have been appointed by the Ministers of the Welsh Government to undertake an independent examination into the soundness and legal compliance of the Carmarthenshire Replacement Local Development Plan (the 'Plan'). This note provides guidance to participants on the procedural and administrative arrangements for the examination and hearings.

The hearings will be held virtually and will commence at **10:00am on 15 October 2024**.

A draft programme for the hearing sessions with a list of potential participants for each session has been published on the Examination website. This is an initial version and details are likely to change. **The final programme, a definitive list of hearing participants and a detailed list of matters, issues and questions will be published on or before 23 August 2024.**

PROGRAMME OFFICER

[Inset name] is the Programme Officer (PO) and is responsible for the administration of the examination. S/he is acting independently of the Council and works under my / our direction. [insert name] role includes liaising with all parties to ensure the smooth running of the examination, managing the availability of examination documents, the website and the library and acting as the main point of contact for all procedural and administrative matters. Her contact details are:

Email: [insert details]
Tel: [insert details]
Postal address: [insert details]

THE EXAMINATION WEBSITE

Copies of all examination documents are available to view on the internet via the Examination Library webpages.

The Examination Library comprises of the Submission Documents, which includes the Council's evidence base and supporting documents [SD]; and Examination Documents [ED].

Hearing session webpages for each hearing detailing participants and any relevant documents will be added to the examination website in due course.

The Council provides internet access to the Examination website at the following Council offices and libraries:

- [insert details]

Any hearing participant who is unable to access the internet should contact the PO so that alternative arrangements for document access can be put in place.

SCOPE OF THE EXAMINATION AND THE ROLE OF THE INSPECTOR

The Council consulted on the Deposit Draft LDP from [insert dates]. The Plan was / was not subject to any Focussed Changes therefore the Deposit Draft LDP will be the Plan I / we will examine.

My / Our role is to assess whether the Plan has been prepared in accordance with relevant legal and procedural requirements, and to determine whether it is sound. In accordance with Section 8 of the Welsh Government's Development Plan Manual Edition 3 (March 2020), we will assess the Plan's soundness in relation to the following three tests:

- ***Test 1: Does the plan fit?*** *(i.e. is it clear that the Local Development Plan (LDP) is consistent with other plans?)*
- ***Test 2: Is the plan appropriate?*** *(i.e. is the plan appropriate for the area in the light of the evidence?)*
- ***Test 3: Will the plan deliver****? (i.e. is it likely to be effective?)*

The starting point for the examination is that the Council has submitted a Plan which they consider is sound and legally compliant. Those seeking changes must demonstrate why the Plan does not meet these criteria.

There are two ways by which substantive changes can be made to the submitted plan. These are:

- Matters Arising Changes (MACs), proposed by the Council and recommended by the Inspector; and
- Inspector Changes (ICs), which are proposed by the Inspector and are binding on the Council.

We can only recommend MACs or binding ICs if they are necessary to resolve problems that would otherwise make the submitted plan unsound or not legally compliant. MACs and ICs materially alter the Plan or its policies and are usually subject to consultation following the hearings.

In addition, the Council may choose to propose minor changes, for example to correct errors or make factual updates. Such changes do not materially affect the Plan and are not subject to examination.

For completeness attached at Appendix 1 is an indicative timetable which outlines the key stages in the examination process.

THE HEARING SESSIONS

Format

The draft hearings programme sets out the order of the hearings and identifies participants for each session. This is currently in draft form and may be subject to change. The final version will be issued before the hearings and will confirm the list of participants for each session. Please let the Programme Officer know by [insert date and time] whether you intend to participate in a hearing or if any adjustments need to be made to facilitate your attendance.

The Council will advertise the start of the hearing sessions at least 6 weeks in advance. It is anticipated that they will commence on [insert date]**.** The dates for the hearing sessions will be set out in the draft hearings programme and in the draft hearings timetable which will be on the examination website and updated as necessary. An initial draft timetable for the hearing sessions is set out in Appendix 2.

.

The hearing sessions will usually be held all day on Tuesdays, Wednesdays and Thursdays. Unless stated otherwise all hearing sessions will start at 10:00am and 14:00pm and finish about 17:00pm. Lunch will normally be between 13:00pm and 14:00pm. Short breaks will be taken mid-morning and mid-afternoon.

The hearing sessions will be digital: that is, they will be held on Microsoft Teams with all participants, including the Inspector, the PO, the Council team, and observers logging in via computers. They will also be open to observers in the same way as in-person events. More information and instructions on how to join or view the hearings will be provided nearer to the time. If you would like to participate (and meet the criteria to do so) or observe, but do not have access to a suitable computer or smart phone, please contact the PO in order to discuss your needs.

Please bear in mind that digital events are new, and parties may be unfamiliar with the process and technology. We will, therefore, appreciate your patience and cooperation during hearings. These will, however, operate in much the same way as normally, although there will clearly need to be some differences to ensure they run smoothly. You can be assured though that all participants will be given a chance to address the points raised by the Inspectors.

As all parties will be working from screens, which can be intensive and tiring, the Inspectors will ensure there are regular breaks. These are likely to be every 90 minutes or so.

During the events please could you keep your camera and microphone turned off until you are invited to speak. The Microsoft Teams platform provides a ‘raised hand function’, by which you will be able to indicate that you would like to speak. Observers at hearings are not able to speak and should ensure that their microphones and cameras are kept turned off throughout the session. Please could you also ensure that if you have a telephone near you, it is turned to silent or divert.

As this is a new format, it is possible that issues may arise during the events that we are not expecting. If any of the participants suffer any IT problems such as losing their connection to the event, in the first instance we will adjourn, initially for 5 minutes. In that period, you should try and log straight back in, in the same way as you did before the event began.

If the problem persists then the adjournment may be longer and if it can’t be resolved, we may need to adjourn to another day. Please will you keep the PO’s telephone number to hand during digital events so that you can keep her informed if you do have problems.

The hearings will be in the form of structured round table discussions which we shall lead. There will be no formal presentation of evidence or cross examination. Barristers and solicitors, if present, will be treated as part of the respective organisation or team.

The main purpose of the hearings is to enable me to obtain the information we need to conclude on the matters before me. **A list of detailed matters, issues and questions will**

be published on the examination website on or before [insert date]. These will form the agenda for each hearing

session, as well as provide the basis for any further written statements sought from hearing participants.

At the end of each hearing we may confirm with the Council any actions it needs to take in response to matters raised during the discussion. Any 'action points' agreed will be published in the Examination Library.

Please note that no discussion of omission/alternative site allocations is currently programmed. Those promoting such sites will be eligible to participate in discussions concerning the LDP's strategy. If we determine that there is a need for further site allocations, relevant representors may be invited to make verbal representations at a later hearing.

Participation

The sessions are open for anyone to observe, including those supporting the Plan. Only those who have made representations within the prescribed time periods and who seek changes to the Plan in relation to the issues to be discussed have a right to participate in the hearings. However, we may also invite additional participants if we consider it necessary.

I / We will afford equal weight to oral and written evidence. There is therefore no need to participate in a hearing unless you intend to elaborate on points already made in writing or you wish to respond to points made by others. Participants who have indicated a wish to be heard will be given the opportunity to do so, but we will only specifically invite further oral or written evidence where we consider there is a need for it.

I / We will expect participants at hearings to have familiarised themselves with the relevant documents pertaining to the discussion matters, including the Council's Submission Documents and any further written statements. We would also encourage participants to view the Welsh Government's Local Development Plan Manual and the PEDW's Local Development Plan Examinations Procedural Guidance before the hearings.

Participation in the Welsh language at hearings is welcomed. Where one or more participants in a hearing have indicated a preference to communicate in the Welsh language, translation facilities will be arranged by the Council. To prevent avoidable adjournments, the PO will seek to confirm the language choice of participants prior to hearing sessions taking place.

Further Written Statements

The published matters, issues and questions will guide discussions at hearings. As participants should have already set out their full cases in their original representations there should ordinarily be no need to produce further written statements. However, if further written statements are produced, these should:

- state the Representor ID and representation number;
- be limited to the published matters, issues and questions and either be relevant to their original representation or relate to new relevant matters that have arisen since the original representation was made; and
- not repeat what is in the original representations.

As all examination and submission documents are available on the internet, participants should not attach extracts of these documents to any statements. Instead, statements referring to any of these documents should include the relevant reference and page or paragraph numbers.

Further written statements should accord with the following guidelines:

- A separate statement should be submitted for each hearing.
- Statements should be clear, succinct and no longer than 3,000 words long for each issue. It is the quality of the reasoning that carries weight, not the scale of the documents.
- Appendices are not included in the word limit but these should only be submitted if they are essential, with references made to the parts of those appendices being relied upon.
- Statements should be produced in an A4 format where possible. For hard copies, A3 leaves should be folded to A4.

Statements must be received by the deadline imposed [insert date and time]. Late submissions are unlikely to be accepted. Any statements that are of excessive length or contain irrelevant or repetitious material may be returned.

Unlike other participants, the Council is required to respond to each issue and question and therefore the 3,000 word limit does not apply to them. However, any statements should be as succinct as possible. References to existing evidence should be used wherever possible to avoid repetition.

An electronic version and 2 paper copies of any further written statements, including the Council's, should be sent to the PO to arrive by [insert date and time].

STATEMENTS OF COMMON GROUND

Any statements of common ground between the Council and representors, or between any other representors, which are being prepared to assist the examination should be

submitted to the PO as soon as they are produced and to arrive **no later than [inset date and time].** This should include an electronic version and 2 paper copies.

SITE VISITS

Insofar as we consider it necessary to assess the Plan's soundness, we shall visit relevant sites and areas before, during or after the hearings. We will do these unaccompanied unless access to private land is necessary.

CLOSE OF THE EXAMINATION

After the hearings, the examination will remain open until my report is submitted to the Council. No further representations or evidence will be accepted during this time unless we have specifically requested it.

FURTHER INFORMATION

Further information about the preparation and examination of Local Development Plans can be found using the following links:

- Welsh Government information on Development Plans: https://www.gov.wales/development-plans
- Welsh Government national policy and guidance: https://www.gov.wales/planning-policy-and-guidance-national-policy
- PEDW Local Development Plan Examinations Procedural Guidance: https://www.gov.wales/local-development-plan-examinations-procedural-guidance
- Planning & Compulsory Purchase Act 2004, Part 6, Sections 62-72: https://www.legislation.gov.uk/ukpga/2004/5/contents
- Town and Country Planning (Local Development Plan) (Wales) Regulations 2005: https://www.legislation.gov.uk/wsi/2005/2839/contents/made

(Insert name(s))

INSPECTOR(S)

APPENDIX 1- INDICATIVE EXAMINATION TIMETABLE

INDICATIVE EXAMINATION TIMETABLE	
Key Task	**Date**
Council submission of LDP for Examination	
Guidance Note for Participation in the Examination published	
Schedule of Matters and Issues for the Hearing Session published	
Deadline for submission of written statements responding to Matters & Issues for Examination	
Hearing sessions commence	
Hearing sessions close	
[If required] Matters arising changes issued by the Council for 6 week public consultation	**TBC**
Council to submit an updated Consultation Report	**TBC**
Submission of Inspector's Report of Findings	

APPENDIX 2- DRAFT HEARING SESSION TIMETABLE

HEARING SESSIONS	MATTERS
WEEK 1	
Hearing Session 1 – Tuesday, 15 October 2024 between 10.00 and 17:00 Virtual Hearing	**Opening, Plan Preparation and Strategic Framework** • Process of plan production • Compliance with legislative requirements • LDP Vision • Strategic Objectives • Spatial Strategy
Hearing Session 2 – Wednesday, 16 October 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Housing** • Policy SP4: A Sustainable Approach to Providing New Home • Policy HOM1: Housing Allocations • Policy HOM3: Homes in Rural Villages
Hearing Session 3 – Thursday, 17 October 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous people and Places – Affordable Housing and Gypsy and Traveller Provision** • Policy SP5: Affordable Homes • Policy AHOM1: Provision of Affordable Homes • Policy 10: Gypsy and Traveller Provision
WEEK 2	
Hearing Session 4 – Tuesday, 22 October 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous people and Places – Employment and the Visitor Economy** • Policy SP7: Employment and the Economy • Policy EME1: Employment- Safeguarding of Employment Sites
Hearing Session 5 – Wednesday, 23 October 2024 between 10.00 and 17:00 Virtual Hearing	**Healthy Habits – Natural, Built and Historic Environment** Policy SP14: Maintaining and Enhancing the Natural Environment Policy SP 15: Protection and Enhancement of the Built and Historic Environment
Hearing Session 6 – Thursday, 24 October 2024 between 10.00 and 17:00 Virtual Hearing	**Strong Connections – Climate Change, Renewable Energy and Transportation** • Policy SP 16: Climate Change • Policy CCH1 - Renewable Energy within Pre-Assessed Areas and Local Search Areas • Policy CCH2: Renewable Energy Outside Pre-assessed areas
WEEK 3	

Hearing Session 7 – Tuesday, 5 November 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Site Allocations (Cluster 1 – Carmarthen)** • PrC1/h4 – Land off Parc y Delyn • PrC1/MU1 – West Carmarthen • PrC1/MU2 - Pibwrlwyd
Hearing Session 8 – Wednesday, 6 November 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Site Allocations (Cluster 2 – Llanelli)** • PrC2/GT1 - Land at Penyfan, Trostre, Llanelli • PrC2/h1 - Beech Grove, Pwll • PrC2/h4 - North Dock
Hearing Session 9 – Thursday, 7 November 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Site Allocations (Cluster 3 – Ammanford inc Betws and Penybanc)** • PrC3/h4 - Tirychen Farm • PrC3/h6 - Land Adjoining Maes Ifan, Maesquarre Road • PrC3/h14 - Nantydderwen
WEEK 4	
Hearing Session 10 – Tuesday, 11 November 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Site Allocations (Cluster 4 – Newcastle Emlyn)** • SeC12/h1 - Trem y Ddol • SeC12/h3 - Land to rear of Dolcoed • Sec13/h1 – Adjacent to Y Neuadd
Hearing Session 11 – Wednesday, 12 November 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Site Allocations (Cluster 5 – Llandovery)** • SeC16/h1 - Llandeilo Northern Quarter • SeC16/MU1 - Beechwood • SeC17/h1 - Land opposite Llangadog C.P School
Hearing Session 12 – Thursday, 13 November 2024 between 10.00 and 17:00 Virtual Hearing	**Prosperous People and Places – Site Allocations (Cluster 6 – St Clears and Pwll Trap)** • SeC18/h1 - Adjacent to Brittania Terrace • SeC18/h3 - Land adjacent to Cefn Maes

All Hearing sessions will start at 10:00am and 2:00pm each day, with a break for lunch at about 1.00pm, and a finish at about 5.00pm. Reserve days will only be used where the Inspector considers that it is expedient to do so.

PLEASE NOTE - Hearing Sessions to discuss Alternative Sites will only be held if the Inspector considers it necessary to do so.

APPENDIX 3 – FREQUENTLY ASKED QUESTIONS

Where can I find the examination documents?

The examination documents, submitted documents and hearings programme can be found at on the Examination website. If you wish to view hard copies of any of these documents please contact the PO.

What if I want to participate in a virtual hearing but do not wish to be screened live?

Participants who wish to take part in a hearing session but do not wish to appear on screen are welcome to leave their camera turned off.

Can I take part in the hearing sessions even though I originally said I didn't want to participate?

Yes. Provided you have a duly made representation that is related to the subject being discussed at the hearing session you wish to attend. If this is the case, please contact the Programme Officer who will make the necessary arrangements for you to attend the session.

Can I take part in the hearing sessions if I haven't made a representation?

No. Generally, only individuals or organisations with a duly made representation can participate in hearing sessions. However, you are welcome to observe the session should you wish.

Do I need to produce a statement?

No. There is no need to produce a statement unless you specifically wish to do so, you can simply rely on your existing representation(s).

Can I observe the hearing sessions?

Yes. Both physical and virtual hearing sessions can be observed by members of the public. Please contact the Programme Officer who will be able to provide you with advice about how and when you can view sessions.

Appendix C – Example of a hearing programme

[Inset Plan Area]

REPLACEMENT LOCAL DEVELOPMENT PLAN (Inset Plan Period)

EXAMINATION

DRAFT HEARINGS PROGRAMME

PLEASE NOTE THIS A LIVE DOCUMENT AND WILL BE SUBJECT TO CHANGE

Please ensure you check the Examination website regularly for up-to-date information and any changes to the programme: (inset link to examination website)

HEARING	MATTER	PARTICIPANTS*
WEEK 1		
List details of all of the hearing session e.g. Hearing Session 1 – Tuesday, 15 October 2024 between 10.00 and 17:00 Virtual Hearing	List topic and policies / issues to be discussed e.g. Opening, Plan Preparation and Strategy Process of plan production Compliance with legislative requirements LDP Vision Strategic Objectives Spatial Strategy	List representor number for participants e.g. Representor Nos: 5749; 5751; 5752; 5754; 5776; 5781;5789; 5808; 5814; 5819; and 5824
WEEK 2		
Hearing Session 4 – Tuesday, 22 October 2024 between 10.00 and 17:00 Virtual Hearing	Prosperous People and Places – Employment and Economy Policy SP6: Strategic Sites Policy SP7: Employment and the Economy	Representor Nos: 2920; 2987; 3370; 3923; 4624; 5058; 5155; 5472; 5473; 5741; 5747; 5791 and 5812
WEEK 3		
Hearing Session 7 – Tuesday, 5 November 2024 between 10.00 and 17:00 Virtual Hearing	Prosperous People and Places – Site Allocations PrC2/h16 - Ynys Las, Llwynhendy PrC2/h20 - Harddfan PrC2/h22 - Cwm y Nant, Dafen	Representor Nos: 5741; 5747; 5791 and 5812.

Please Note – If you are eligible to speak at any of the hearing sessions and wish to participate you ***MUST*** contact the Programme Officer, [insert name], no later than [insert time and date] to confirm your attendance. The Programme Officer can be contacted by telephone on [insert] or by email at [insert]

Appendix D – Example of Inspector's 'initial questions' letter

[Insert name of the LPA]

[Insert details of the LDP])

EXAMINATION

INSPECTORS INITIAL QUESTIONS

I / We refer to the above.

I / We have now had the opportunity to review the [insert name of LDP], submitted documents, evidence base and representations in detail. In doing so, I / we have identified several areas that require either further clarification and / or information from the Council. These matters concern the soundness of the Plan, and the Council should therefore respond in a considered manner. If any of the information we seek has already been set out in the submitted documents, please signpost these rather than duplicate the information.

Procedural Matters

During the course of the hearing sessions, it may be necessary for the parties to discuss and agree changes to the structure and / or content of the Plan. In order to ensure that this process is undertaken in an efficient and effective manner, I / we would be grateful if the Council could confirm that an officer, with delegated authority to make changes to the (R)LDP and agree the preparation of additional evidence, will be present at all hearing sessions.

Future Wales – The National Plan 2040

In light of the requirements of Policy 19 of Future Wales, which provides a framework for Strategic Policies in Regional Planning, it would be of assistance if the Council could confirm that the policies and allocations contained in the Plan, specifically in relation to housing requirement and supply, would not have an adverse impact on the future formulation or delivery of the Strategic Development Plan for [insert region].

Planning Policy Wales, Edition 12 (February 2024)

A revised version of Planning Policy Wales (PPW) was issued by the Welsh Government in February 2024. The revisions to PPW are contained primarily in chapter 6 and relate to net benefit for biodiversity and ecosystems resilience (incorporating changes to strengthen policy on sites of special scientific interest, trees and woodlands and green infrastructure).

To assist the examination, I / we would be grateful if you could review the contents of the revised chapter 6 and provide a response which explains how the requirements of PPW have been addressed or any changes that maybe required to the submitted RLDP.

Flood Maps for Planning

The latest updates to the Flood Maps for Planning (FMfP) were issued by Natural Resources Wales in May 2024. This update, together with earlier iterations, include a number of alterations to flood zones 2 and 3 across Wales and mapping improvements to the defended zones contained in Technical Advice Note 15 (TAN 15).

In light of the updated information, I / we would be grateful if the Council could review the policies and site allocations in the RLDP and provide response which identifies any policies or site allocations which conflict with the requirements of TAN 15 or the FMfP, explain how these matters have or will be addressed and if amendments will be required to the submitted RLDP.

Contents of the Plan

Whilst I / we note that a significant amount of work has been undertaken to formulate the contents of the (R)LDP, there are nevertheless a number of areas of the Plan which need further clarification and / or revision. These relate specifically to:

- The structure (layout and numbering) of policies in the Plan, which vary significantly throughout the document. To ensure the clarity and consistency, it is requested that the Council amend Policies HOM3, HOM7, HOM8, AHOM1, SP7, EME1, VE1, VE2, VE3, PSD3, PSD4, PSD5, RD3, NE1, NE2, NE3, NE6, NE7, BHE1, CCH1, CCH2, CCH3, SP17, MR1, MR3, SP19 and WM2 to reflect the predominant structure of policies which is exemplified by Policies SP1, PSD1 and PSD12.
- Policies SP1, SP4, SP13, SP17, HOM2, EME4 and GTP1 which should be amended to make reference to Policy SP3, and
- Policies SP10, SG2, MR1, INF3, NE4, CCH4, CCH5 and PSD8 should be amended to remove the reference to the *'Council / Local Authority'*, and
- For completeness, it would be helpful if the Council could provide representation numbers for the comments made by Natural Resources Wales in their representations in respect of Policies SP3, PSD3, INF5 and NE3, and provide a response to the issues raised.

Please note that these observations are based on our reading of the submitted LDP and supporting documents and that further revisions to the Plan may be required during the Examination.

The Council should submit this further information and a list of proposed changes to the RLDP as soon as it is available, and no later than 6 September 2024.

INSPECTOR

Appendix E – Example of a letter of requiring an exploratory meeting

Letter to LPA

Dear [Insert Name],

[insert Plan name] – Exploratory Meeting

I have now had the opportunity to review the submitted Local Development Plan, including the focussed changes and supporting documents submitted for examination. As a result, I have identified a number of issues which I am concerned may undermine the soundness of the LDP. These issues are:

Housing Requirement and Supply

The LDP through Policy H1, identifies a need for 4,500 new dwellings to be constructed in Powys over the plan period. The evidence submitted with the LDP indicates that the dwelling requirement figure (DRF) was derived using the 2011 – based Household Projections and adjusted to allow for the boundary of the Brecon Beacons National Park and to take account of a range of local demographic factors such as migration levels. However, no detailed evidence has been submitted to explain how these local factors have been identified, why they are significant within the context of the Powys LDP or how they have, numerically, influenced the overall DRF figure. As a consequence, I consider that the submitted documents fail to demonstrate that the formulation of the DRF has been based on robust and credible evidence.

In order to deliver the DRF, Policy H1, identifies a housing land supply (HLS) figure of 6,129 dwellings. This figure includes the DRF of 4,500 dwellings plus a contingency allowance of 36% or 1629 dwellings. The submitted evidence indicates that the HLS will be delivered through development on committed sites, new allocations and windfall sites. Whilst the approach taken to identifying the HLS appears to be consistent with

that in other LDPs, the findings of some of the Council's evidence base studies draw into question the potential for the quantum of housing development envisaged in the LDP to be delivered over the plan period. This relates specifically to the findings of the Joint Housing Land Availability Study (2015) (EB05) and the Community Infrastructure Levy Assessment (2014) (EB13) which suggest that a number of the committed and allocated sites are subject to physical and/or financial constraints which may delay development.

The absence of any robust evidence that demonstrates that housing land can be brought forward during the plan period indicates that the plan is unlikely to be an effective mechanism for delivering the scale of housing growth required by the LDP's Growth Strategy.

In addition, no detailed evidence has been provided which demonstrates the need for a contingency allowance of the scale proposed or assesses the impact that this allowance will

have on the delivery of new housing development in Powys. As a result, I am concerned that the plan does not provide a clear and consistent focus for the delivery of housing development in the County.

The Provision of Affordable Housing

The LDP Growth Strategy sets out a target of 1257 new affordable homes to be delivered during the plan period. In order to deliver this requirement the LDP, through Policy H4 seeks a contribution towards affordable housing from all qualifying sites within Powys. As part of the policy approach, it is proposed to seek a 10% contribution from sites in the South West / Ystradgynlais area and in the Rural North of Powys. However, the findings of the Community Infrastructure Levy Assessment (2014) (EB13) indicate that new housing development in these areas would be unviable and therefore unable to support a requirement for 10% affordable housing. As such the plan has failed to demonstrate that it is based on robust and credible evidence or would provide an effective mechanism for the delivery of the affordable housing target.

Gypsy and Travellers Accommodation Need

Policy H13, as amended, seeks to identify land for Gypsy and Traveller sites and caravans throughout Powys. The policy approach is based on the evidence contained in the Gypsy & Traveller Accommodation Needs Study (2008) (EB03) and the Gypsy and Traveller Needs in Machynlleth Study (2015). Whilst the evidence considers the need for permanent and transit sites in Powys for the period up to 2016, it does not provide an assessment of the need for further sites to be provided in the latter stages of the plan period and as a consequence fails to meet the requirements set out in Planning Policy Wales, Edition 8, (2016).

Please note that these areas of concern are based on my preliminary reading of the LDP and supporting documents and that I may identify further issues that may need to be discussed as I read the plan in more detail.

I therefore consider that an exploratory meeting, as outlined in the LDP Procedure Guidance (2022), is necessary to allow me to establish the Council's intentions in respect of the matters outlined above and to make a recommendation about how the examination should proceed. As a consequence, I have asked the Programme Officer, [insert name] to make the necessary arrangements for an exploratory meeting to be held on the [insert date].

I trust the matters I have set out above are clear however, should you require clarification of any the issues I have identified please do not hesitate to contact [insert the name of the PO].

Yours Sincerely

[Insert name]

Inspector

Appendix F – Example of a schedule of MIQs

CARMARTHENSHIRE

REVISED LOCAL DEVELOPMENT PLAN (2018-2033)

EXAMINATION

SCHEDULE OF MATTERS, ISSUES AND QUESTIONS

Important Notes:

- The purpose of the examination is to determine whether the [insert name of Plan] is sound in accordance with the Development Plan Manual, Edition 3, 2020 (The Manual). **To be sound the Plan must meet the tests set out in the Manual. These are: (1) Does the plan fit? (is it clear that the LDP is consistent with other plans), (2) Is the plan appropriate? (is the plan appropriate for the area in the light of the evidence), and (3) Will the plan deliver? (is it likely to be effective).**
- In addition, the (R)LDP must have been prepared in compliance with legal and regulatory procedural requirements.
- Participants should only respond to the questions below which directly relate to their previously submitted written representations on the Plan. Please clearly indicate in your statement(s) the question(s) you are answering.
- Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per matter.
- We are examining the (R)LDP as submitted by the County Council. Therefore, we will not, at this stage, be considering the merits for development of sites not included in the plan.
- PEDW issued some preliminary questions (PQs) about the (R)LDP and its preparation in Summer 2022. The Council's detailed answers to the PQs are on the website and may be of interest to participants. For clarity, where the PQs have been replicated in this document, the Council will not be required to provide an additional response, a reference to the earlier answer will be sufficient.
- If you have questions in respect of this document or any aspect of the examination please contact the Programme Officer, [insert name and contact details]

Matter 1: Plan Preparation and RLDP Strategic Framework

Issue – Is the RLDP legally compliant, and is the Plan's Strategy justified and likely to be effective in ensuring that the development needs of Carmarthenshire can be met in a way that contributes to the achievement of sustainable development?

Plan Preparation

1. Has the RLDP been prepared in accordance with the requirements of:

a) The approved Delivery Agreement, including the Community Involvement Scheme?

b) The Well-being of Future Generations Act (Wales) (2015)? and

c) The Equality Act (2010)?

2. Has the Plan been subject to a robust Sustainability Appraisal/Strategic Environmental Assessment? and have all the 'likely significant environmental effects' of the Plan and all 'reasonable alternatives' been identified, described and evaluated?

3. Has the Plan been subject to a robust Habitats Regulations Assessment (HRA)? Where 'likely significant environmental effects' have been identified, has an adequate Appropriate Assessment been undertaken?

4. Does the HRA take account of National Resources Wales advice regarding phosphate levels in Riverine Special Areas of Conservation?

5. Is the Plan consistent with Future Wales: The National Development Framework?

6. Has the Plan had regard to the requirements of the Well-being of Future Generations Act (Wales) 2015 with regard to the well-being goals and ways of working?

7. Have there been any significant changes in national policy or local circumstances since the RLDP was placed on deposit? If there have, what are the implications of these changes for the Plan? Do they need to be addressed through the preparation of new evidence and/or revisions to the Plan and what is the intended timescale for this work?

Vision, Objectives and Strategy

8. Is the Plan's Vision sufficiently aspirational and locally specific to form the basis for planning to 2033? And how will they be delivered?

9. Are the Plan's objectives SMART and capable of delivering on the identified Vision?

a) Should strategic objectives S02, SO4 and SO11 include a reference to housing?

10. Does the Plan's Spatial Strategy represent an appropriate approach for delivering, managing and distributing growth over the Plan period?

a) How has the Spatial Strategy been derived and is it based on robust evidence?

b) What are the key components of the Spatial Strategy and how do they interact?

c) Does the Strategy represent a sustainable approach to planning over the Plan period? And does it effectively link transportation, employment and residential growth?

d) Does the Spatial Strategy maximise the use of previously developed land and adopt the sequential approach to the release of land as set out in Planning Policy Wales?

e) Are the Spatial Strategy and anticipated levels of growth consistent with those of neighbouring authorities? what are the main cross boundary issues and how have these been addressed?

f) Will the Spatial Strategy support national growth areas and the wider region?

g) What is the purpose of Policy SP13? Does it provide an appropriate framework for managing development in rural communities?

11. Is the level of growth contained in Policy SP1 realistic and based on robust and credible evidence?

a) What is the purpose of Policy SG1? And have the requirements of the allocated sites listed in the policy been clearly expressed?
b) Is the inclusion of reserve sites contained in Policy SG2 appropriate and consistent with national planning policy?

12. How have the Settlement Hierarchy and Clusters contained in Policy SP3 been defined? And are they based on robust and credible evidence?

a) What is the purpose of the Settlement Hierarchy? Will it guide new development to the most sustainable locations, and is it clear what types and amount of development, other than housing, will be appropriate in each tier of the hierarchy?

13. Are the requirements of Policy SD1 clearly expressed and consistent with the requirements of national planning policy? and are the defined settlement boundaries flexible enough to allow the anticipated level of growth to be delivered?

14. Is the approach to site selection sufficiently clear and transparent, and is it founded on robust and credible evidence?

a) Are the allocated sites based on a robust site assessment methodology that takes into account all potential constraints?
b) Have all infrastructure requirements been considered to ensure the timely deliverability of allocated sites?
c) Do all of the site allocations accord with the requirements of national planning policy relating to Flood Risk?

15. .Has Best and Most Versatile (BMV) land been considered throughout the plan making process? Particularly in relation to the preparation of the ISA, the Spatial Strategy and site allocations?

a) Does the Plan propose the development of BMV land? If so, how much land, where, and is this approach supported by robust and credible evidence?

16. .How will the Plan apply the principles of sustainable placemaking contained in Policy SP12?

a) Are the requirements of Policy PSD1 and PSD3 clearly expressed and consistent with national planning policy?
b) Are the requirements of Policy PSD4 clearly expressed and consistent with national planning policy?

17. .Are the requirements of Policy SP2 clearly expressed and consistent with national planning policy?

18. Does Policy INF1 provide a clear and consistent framework for securing planning obligations? And how will competing priorities be managed?

19. Is Policy SP8 based on robust evidence and consistent with national planning policy in respect of Welsh language and Culture?

a) Do the findings of the Welsh Language Impact Assessment allow for growth in the provision of housing and employment related development that exceeds the levels contained in the Plan?
b) Are the requirements of Policy WL1 clearly expressed and consistent with national planning policy? And should the provisions of Policy PSD9 in respect of Welsh Language be included in the policy?

20. Should the Plan include a policy which provides a context for the management of phosphate levels in Riverine Special Areas of Conservation? And are the requirements of Policy INF4 clearly expressed?

Matter 2: Prosperous People and Places – Housing and Community Infrastructure

Issue - Is the provision and distribution of housing soundly based, supported by robust and credible evidence and is it consistent with national policy? And will it be met during the Plan period?

Housing Provision

1. Is the housing requirement figure identified in Policy SP4 appropriate?

a) How has the requirement figure of 8,822 been derived? And is it based on robust and credible evidence?
b) In identifying the requirement figure, has adequate regard been paid to the most recent Welsh Government household and population projections?
c) Have alternative housing growth scenarios been considered? If so, why have they been discounted, and why has the preferred option been chosen?
d) Has the requirement figure been informed by a robust assessment of the main local influences on housing demand in Carmarthenshire including, household formation size, migration levels, and vacancy rates?

2. Is the housing land supply figure identified in Policy SP4 appropriate?

a) How has the supply figure of 9,704 been derived? And is it based on robust and credible evidence?

b) What is the make-up of the housing supply? should this be outlined in the reasoned justification of Policy SP4 and, where appropriate, do all the components have the same base date?

c) Is the estimated yield of units from committed and windfall sites realistic and based on robust evidence? And has a non-delivery allowance been defined and applied?

d) How many dwellings will be built in Tier 4 settlements? And is this analysis based on robust and credible evidence?

e) Should details of the housing allocations and committed housing sites be included in the Plan?

f) How has the flexibility allowance of 10% been defined? And is it based on robust and credible evidence?

3. Is the rate of delivery contained in the housing trajectory realistic, based on robust and credible evidence and consistent with the requirements of the Manual?

4. Will the Plan deliver the housing requirement?

a) Are the site allocations available and deliverable within the anticipated timescales? Are the allocations supported by a robust and comprehensive site assessment methodology, free from significant development constraints and demonstrated to be economically viable?

b) Should committed sites be allocated?

c) Is the Plan's housing strategy sufficiently flexible to respond to changing circumstances?

Housing Distribution and Development

5. Is the spatial distribution of new housing development sustainable and coherent?

a) How will new windfall development within each tier of the settlement hierarchy be assessed and managed? Should the reasoned justification of Policy HOM2 be expanded to explain the approach to assessing proposals in accordance with the Plan?
b) Is the spatial distribution of housing allocations and windfall opportunities consistent with the identified settlement hierarchy? And are the tables contained in Appendix 7 accurate?

6. Are the requirements of Policy HOM3, in particular the 10% cap, clearly expressed, based on robust evidence and consistent with national planning policy?

7. Is Policy HOM4 consistent with the requirements of national planning policy?

8. Should the Plan include a policy which seeks to manage density levels on all sites proposed for residential development?

9. Is the approach taken to the delivery of specialist housing 'outside and not adjoining defined development limits' in Policy HOM6 clearly expressed and consistent with national planning policy?

10. Should the Plan include a policy which seeks to restricts the use of all new housing to a sole or main residence?

Community Infrastructure

11. Should the Plan include a policy which seeks to protect existing community facilities?

12. Are the requirements of Policy INF2 appropriate and clearly expressed?

Matter 3: Prosperous people and Places – Affordable Housing and Gypsy and Traveller Provision

Issue - Are the requirements for affordable housing and Gypsy and Travellers accommodation supported by robust and credible evidence and consistent with national policy? and will they be met during the Plan period?

Affordable Housing

1. Is the Local Housing Market Assessment for Carmarthenshire (LHMA) based on robust and credible evidence? And are the findings sufficient to inform the Plan's affordable housing strategy?

a) What scale of housing need has been identified in the LHMA?

b) What mix of tenure (e.g intermediate or social rented) and of dwelling type (bedroom size) are required?

c) Will the affordable housing target of 1,900 dwellings meet the local housing need, if not what other mechanisms are available?

2. Is the Financial Viability Assessment based on robust and credible evidence?

a) Does the study's methodology take account of variations in building costs, planning obligations, sustainable urban drainage systems, fire safety measures and other associated requirements?

3. Is the affordable housing target of 1,900 dwellings in Policy SP5 realistic and based on robust evidence and been clearly expressed in the policy?

4. How have the affordable housing targets and threshold in Policy AHOM1 been defined?

a) Is the threshold of 10 units or more for on-site contributions realistic and based on robust evidence?

b) Is the requirement for 25% affordable housing on sites of 101 dwellings justified and based on robust evidence?

c) How will the affordable housing target be delivered?

e) Should matters in relation to negotiations, adjacent / related sites, perpetuity and commuted sums be relocated to the reasoned justification?

5. How will off-site or commuted sum contributions for affordable housing be secured and managed? What mechanisms are in place to ensure that the level of contributions sought are appropriate?

6. Is the spatial distribution of affordable housing sound and does it adequately reflect local needs?

7. Are the requirements of Policy AHOM2 clearly expressed and consistent with national planning policy?

Gypsy and Traveller Accommodation

8. Is the Gypsy and Travellers Accommodation Assessment (GTAA) based on robust and credible evidence and sufficient to inform the Plan's strategy?

a) What is the status of the most recent GTAA?
b) How many new permanent Gypsy and Traveller pitches are needed over the Plan period? And how will this need be met?

9. Are the requirements of Policy SP10 clearly expressed and consistent with national planning policy?

a) How many new pitches will be provided on the Land at Penyfan, Trostre, Llanelli and Penybryn (Extension) Bynea, Llanelli sites?

10. Does Policy GTP1 provide a clear and consistent framework for assessing proposals for additional Gypsy and Travellers sites, and is it consistent with national policy?

11. Are the Gypsy and Traveller sites allocated under Policy SP10 at Land at Penyfan, Trostre, Llanelli and Penybryn (Extension) Bynea, Llanelli sound and capable of being delivered during the plan period?

Allocated Sites	PrC2/GT1 - Land at Penyfan, Trostre, Llanelli PrC/GT2 - Penybryn (Extension) Bynea, Llanelli

a) What are the current uses of the allocations?
b) What are the proposed use of the allocations?
c) What are the constraints affecting the sites, and are these constraints significant obstacles to development within the Plan period?
d) Are the number of pitches proposed realistic and deliverable over the Plan period?
e) What are the mechanisms and timescales for delivering the sites?
f) Are the allocations essential to ensure the soundness of the Plan?

Matter 4: Prosperous People and Places – Employment, the Visitor Economy and Infrastructure

Issue - Is the economic strategy coherent and based on a clear and robust preparation process? Will it address the Issues and Strategic Objectives effectively and efficiently? Are the policies realistic and appropriate in the light of relevant alternatives and are they based on robust and credible evidence?

Employment

1. Is the Housing and Economic Growth Report based on robust and credible evidence? And are the findings sufficient to inform the Plan's economic strategy?

2. What are the key drivers for change in Carmarthenshire's employment market? And how has the Plan addressed these considerations?

3. How many new jobs are estimated to be created as a consequence of the Plan's economic strategy? And in what sectors?

4. What is the cross-border employment relationship? What proportion of the existing jobs within Carmarthenshire are filled by employees from outside the County?

5. How many of Carmarthenshire's residents travel to work outside the County? And how has this movement been accounted for in its employment forecasts?

6. Are the sites allocated under Policy SP6 based on robust and credible evidence? And should they be subject to specific policies which provide a clear framework for development?

7. Is the level of employment land provision identified in Policy SP7 appropriate?

   a) How has the overall figure of 71.21 hectares been derived? Is the level of employment land provision fully justified and supported by robust and credible evidence?

   b) Does Policy EME 3 clearly differentiate between allocated and committed sites? Are the sites realistic and economically viable? And are they free from significant constraint and deliverable over the Plan period?

   c) Is the hierarchy of employment sites appropriate and consistent with the requirements of national planning policy?

   d) What is the Plan's strategy for the distribution of employment land? Does it have regard to the requirements of Future Wales – The National Plan and other regeneration initiatives?

   e) Are all the sites allocated in Policies SP7 and EME3 intended to be developed for B1, B2 and B8 purposes only? If not, should the policies be amended to make clear the other intended / potential use(s)?

   f) Should details of the non-strategic employment allocations be included in the Plan?

8. Does Policy EME1 provide an appropriate framework for the safeguarding of employment sites?

9. What is the purpose of Policy EME2? Does it apply to development in rural and urban areas?

10. Is the approach taken in Policy EME4 to employment development on non-allocated sites within and outside development limits, clearly expressed, sufficiently flexible to respond to changing circumstances, and consistent with national planning policy?

Visitor Economy and Equestrian Related Development

11. How will the Plan maintain and enhance the County's tourism, culture and leisure offer?
12. Will Policy VE1 provide an appropriate mechanism for the management of new visitor attractions and facilities in the County? And are the requirements of the policy clearly expressed?
13. Do Policies VE2, VE3 and VE4 provide an appropriate framework for the management of visitor accommodation in the County?
14. Should the Gateway Resort and Garnant Golf Club be designated as a tourism facility?

15. Does Policy RD5 provide an appropriate framework for assessing proposals for new equestrian facilities?

Infrastructure

16. Are the requirements of Policy INF3 for the provision of Broadband appropriate and consistent with national planning policy?

Matter 5: Healthy Habits – Natural, Built and Historic Environment

Issue: Does the Plan provide a framework for the management of the built, historic and natural environment that is soundly based, justified and consistent with the requirements of national policy?

Natural Environment

1. Does Policy SP14 provide a clear and consistent framework for maintaining and enhancing the natural environment? And is it consistent with national planning policy?
2. Are the requirements of Policies NE2 clear and consistent with national planning policy?
3. What is the purpose of Policy NE4? and is it consistent with the requirements of national policy and the Habitat and Species Regulations 2017 (as amended)?
4. Should the boundary of Caer Mynydd Mawr SPG area contained in olicy NE4 be amended to include part of the land off Heol Brown, Tycross (ref AS2/159/002)?
5. Does the framework provided by Policies NE5, NE6 and NE7 provide an appropriate mechanism for managing development in coastal locations?

Built and Historic Environment

6. Does Policy SP15 provide a clear and consistent framework for the protection and enhancement of the built and historic environment?
7. Is Policy BHE1 locally distinct or does it replicate the requirements of national planning policy?
8. Does Policy BHE2 provide an appropriate mechanism for the managing the impact of development on the landscape and visual qualities of the County?
9. Should the Plan contain a policy which designates special landscape areas?

Provision of Outdoor Space

10. Are the requirements of Policies PSD7 and PSD8 based on robust and credible evidence? Are the policies clearly expressed and consistent with national planning policy?

11. Should land in Glanamman (Ref AS2/064/005 and AS2/064/006) be identified as public and / or community space?

Matter 6: Strong Connections – Climate Change, Renewable Energy, Transportation, Minerals and Waste

Issue: Does the Plan provide a framework for the management of climate change, renewable energy and low carbon development and of sustainable transport and accessibility that is soundly based, justified and consistent with the requirements of national policy?

Climate Change and Renewable Energy

1. Does Policy SP16 provide an appropriate framework for ensuring that development proposals respond to, and minimise the causes and effects of climate change?

2. Is the Renewable Energy Assessment robust, based on credible evidence and consistent with the requirements of national planning policy?

3. Does the Plan provide an appropriate balance between realising the area's potential for renewable energy production and the protecting the landscape, natural and historic environment of the County?

4. Does Policy CCH1 provide an appropriate policy framework for realising Carmarthenshire's potential for renewable energy generation within pre-assessed area and local search areas?

   a) Is the policy consistent with the requirements of national planning policy? And should its reasoned justification be amended to include an explanation of the requirements of Future Wales?
   b) Are the requirements in relation to 'large-scale wind farms' necessary?
   c) Should the local search areas for solar be listed in the policy?
   d) How will the impact of development on BMV land and high carbon soils within local search areas be assessed?

5. Is the target for energy generation contained in Tables 9 and 10 appropriate or should it be more ambitious?

6. Does Policy CCH2 provide an appropriate mechanism for managing renewable energy development outside pre-assessed areas and local search areas? And how will the impact of development on BMV land and high carbon soils be assessed?

7. Are the requirements of CCH3 based on robust evidence and consistent with the requirements of national planning policy?

8. Is Policy CCH4 necessary and does it provide a clear and consistent framework for the management of water quality and the protection of water resources in the County?

9. Are the requirements of Policy CCH5 locally distinct or do they replicate the requirements of national planning policy?

10. Do Policies CCH6 and CCH7 provide an appropriate mechanism for the management of renewable and low carbon energy in new development and forest, woodland and tree planting? And are the requirements of the policies clearly expressed?

Sustainable Transportation and Accessibility

10. Does Policy SP17 provide a clear and consistent framework for the integration and co-ordination of sustainable transport measures and land use planning? and are the requirements of Policy TRA2 clearly expressed and consistent with national planning policy?

Minerals and Waste

12. Do Policies SP18, MR1, MR2 and MR3 provide an appropriate framework for the management of minerals resources in the County?

13. Should Policy MR2 be amended include a list of all mineral sites with extant planning permission and their respective buffer zones?

14. Should Appendix 4 – Active and Inactive Mineral Sites be amended to explain the likelihood of sites being reactivated and worked during the Plan period?

15. Does Policy SP19 provide a clear and consistent framework for sustainable waste management? And how and where will land be allocated for waste management facilities?

16. Should Policy PSD5 make reference to a 'natural materials management plan'?

Matter 7: Prosperous People and Places – Site Allocations (Cluster 1 – Carmarthen)

Issue – Are the allocated sites soundly based and capable of delivering new residential, community and commercial development over the Plan period?

Allocated Sites	PrC1/h4 – Land off Parc y Delyn PrC1/MU1 – West Carmarthen PrC1/MU2 – Pibwrlwyd SeC1/h1 – Lime Grove SeC1/h4 – Cae Canfas, Heol Llanelli SuV1/h1 - Adjacent Fron Heulog SuV4/h1- Land at Troed Rhiw Farm SuV12/h1 – Adjacent to Gwyn Villa SuV17/h1 – Rear of former joinery, Station Road SuV18/h1- Land off A40, Pontargothi SuV20/h1 – Land adjacent to Llwynhenry Farm

a) What is the current use of the allocated site?
b) What is the proposed use of the allocated site?
c) What are the constraints affecting the site, and are these constraints significant obstacles to development within the Plan period?
d) In light of the constraints, and having regard to the need to provide affordable housing, is the allocation economically viable?
e) Are the number of residential units proposed realistic and deliverable over the plan period?
f) What are the mechanisms and timescales for delivering the site?
g) Is the allocation of the site essential to ensure the soundness of the Plan?

Appendix G – Example of the Inspector's script for the PHM

[insert details of the LDP]

Examination

Pre-Hearings Meeting – Inspectors' Speaking Notes

1. Opening and Introduction

Bora da / Good morning, it's [insert time] and time for me to welcome everyone to this Pre-Hearing Meeting for [insert details of the LDP]

[Virtual - Can everyone hear me? If can, could you active the raised hand function].

Throughout the examination communications in Welsh will be welcomed and simultaneous translation services will be provided throughout the hearing sessions.

[Virtual - Could I ask everyone who is viewing this session to ensure that their camera and microphone is turned off until you are invited to speak. Council could I ask that your camera is left on for the duration of the hearing session. Can everyone who is observing ensure that their camera and microphone are off and remain so for the duration of the hearing.]

My name is [insert Inspectors name], I am a Chartered Town Planner I have been appointed by the Welsh Ministers to hold the examination into the soundness of the [inset the name of the LDP].

I am joined today by [insert name of PO] who is the Programme Officer for the Examination.

Can I ask everyone to turn their mobile phones to silent.

[In person - explain procedure in the event of a fire]

[Virtual - With regard to technical issues, I will try and be aware if someone loses connection and will adjourn for 5 minutes. If you lose connection, please turn your computer on and off and try and re-join. If this doesn't work, please contact the Programme Officer. If the problem persists then a longer adjournment may be needed; and If you decide to leave, please let us know that way I won't think your absence is due to a connection problem.]

2. Purpose of the Pre-Hearing Meeting (PHM)

The **Examination** refers to the whole process from the time the **Council** submitted the LDP to the Welsh Ministers in [insert date] to the submission of our report to the Council.

The **hearings** part of the Examination will commence on [insert date and time]. The sessions will be held in person at [insert details of the venue] or virtually using the Teams / Zoom planform.

The purpose of today's PHM is to provide an opportunity for us to introduce ourselves and the Council team and to explain the **procedural and administrative matters** relating to the management of the examination.

I will not be discussing the contents or merits of the LDP or the representations which have been made at this meeting. There will be an opportunity to ask questions about the examination arrangements when I've have finished speaking.

I hope to conclude this PHM no later than [insert time]

I have prepared short Guidance Notes relating to the examination which have been published on the Council's LDP examination website.

3. The role of the Programme Officer

As indicated earlier [inset the name of the PO] has been appointed as Programme Officer for the Examination. I want to stress that she is acting as an **independent and impartial** officer, working under my direction.

Details of **how to contact** [insert name of PO] are set out in the letter inviting you to this meeting, on the Examination website and in the guidance notes.

[insert name of PO] is responsible for:

- **liaising** with all parties to ensure the smooth running of the examination
- ensuring that all **documents** received during the examination are recorded and distributed,
- maintaining the examination **library**, and
- **assisting us** with all procedural and administrative matters.

She will be able to **advise you** on any programming questions. All procedural queries or any other matter that the **Council** or anyone wishes to raise with the inspectors should be addressed through the Programme Officer.

4. The Scope of the Examination and Role of the Inspectors

The role of the inspector(s) is to consider whether the LDP is sound. My authority to recommend changes to the LDP is limited to those that are necessary to make the LDP sound, as opposed to changes which would serve to improve a sound plan. I will consider the representations made by all parties but only insofar as they relate to the soundness tests.

The tests of soundness, which are set out in the Development Plans Manual, require consideration of **whether the plan fits?** (is it clear that the LDP is consistent with other plans); **If the plan is appropriate?** (is the plan appropriate for the area in the light of the evidence); and **Will the LDP deliver?** (is it likely to be effective and can it be implemented?).

5. Procedural Questions for the Council

Would the **Council** please indicate who is representing them here today and introduce their team?

*[*Insert details later*]*

Could you please advise whether the LDP has been prepared in accordance with:

- The statutory procedures under Section 64(5) (a) of the 2004 Act and associated regulations?
- Is it supported by a Sustainability Appraisal?
- Has a Habitats Regulations Assessment been undertaken?
- Does it comply with the requirements of the Well-being of Future Generations Act?
- Does it comply, broadly, with national and regional policy?
- Does it have regard to Future Wales – The National Plan? and
- Has a self-assessment exercise been undertaken?

6. Representations made on the LDP

In total some **XXX duly made** representations were received on the deposit LDP from **XXX** organisations and individuals [and a further **XXX** representations from **XXX** organisations and individuals in relation to the Focussed Changes.]

Unless individuals have indicated that they wish to be heard, their representations will be dealt with by written representations. If I need more information to properly understand a written representation, those persons and the **Council** will be requested to submit additional comments or clarification.

The representations that have been received cover a wide range of issues including the development strategy, the distribution and amount of new housing including affordable housing and accommodation for Gypsies and Travellers, employment, retail and tourism matters, and renewable energy.

[At the time of the submission of the Plan, the Council undertook a consultation exercise on an Addendum to the Plan which identified its proposed Focussed Changes.]

Can the **Council** please confirm that the version of the LDP which is to be examined is the deposit version [as amended by the Focussed Changes] ? And do you consider that this submitted LDP is sound?

Any further changes which the **Council** wishes to make during the Examination should be in the form of a schedule which should be placed on the examination website and updated as necessary. Separate lists for minor and significant changes should be kept for each hearing session, and for those not related to any session. These changes should be kept to a minimum.

It's common practice now, at the end of each hearing session, for the Council and Inspector(s) to quickly run through any changes that have been agreed and other matters arising (e.g. requests for information etc) during the hearing. Is the Council happy to keep a list of these? They will eventually form the basis of the Matters Arising Changes (MACs)

schedule. Others present during the hearings are welcome to stay and listen to these brief discussions but are not obliged to.

7. Methods of Considering Representations

All representations, whether made at a hearing session or in writing, will be given the same weight. The Examination will focus on issues that are relevant to the soundness tests and will not focus on individual objections.

Only those parties seeking specific changes to the LDP are entitled to participate at the hearing sessions and there is no need for those supporting or making comments on the LDP to attend.

8. Procedure at hearing sessions of the Examination

Details for the timing and procedural requirements for the hearings are set out in the Guidance Note. For clarity the hearing sessions in respect of the [insert name of the LDP] will be held [virtually or in person].

[Virtual – To ensure everyone is comfortable with the technology participants will be invited to attend a 'Test Event' approximately a week before the start of the hearings. The event will allow participants to familiarise themselves with the platform and the approach to simultaneous translation.]

The hearings will normally take the form **of Round Table Sessions** which will be led by us, the Inspectors, either together or just one or other of us, and based on an agenda provided beforehand. This approach will provide an informal setting for dealing with issues.

The discussion will focus **on the issues identified in the agenda** and the questions I have posed in the Matters and Issues. I will begin by asking those present to introduce themselves. I will then make brief comments on the matters to be covered, if necessary, then **invite individuals** to make their contribution in response to the points I have raised. The hearing will then progress under our guidance, drawing those present into the discussion to enable us to gain the information necessary to come to a firm decision on the matters identified. All participants can ask questions and join in the discussion. At the end of each session participants are asked to sum-up the main points of their arguments.

The hearings will be conducted on the basis that everyone has read the relevant documents, although participants will be able to refer to and elaborate on relevant points.

Those attending may bring with them professional advocates and witnesses, though there will normally be no formal presentation of evidence or cross-examination. There is no need for parties to bring advocates/legal representation. I understand that the **Council** will not be legally represented – can the Council confirm this?

I shall endeavour to progress the Examination Hearings in an effective and efficient manner, keeping a tight rein on the discussions and time taken. As part of that process I aim to minimise the amount of additional written material to that necessary to come to

informed conclusions on the issues. In that way I hope to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.

As I mentioned earlier, there may be occasions during the hearing sessions when I will discuss with the Council the need for a change to the LDP. **Can the Council confirm that someone will be present at all times who has delegated authority to agree to such changes?** If not, what is the process by which agreement to changes will be sought from members?

Participants will be grouped together on the programme according to the issues and matters being considered. If several people have the same viewpoint, for example all those who are objecting to a specific site or allocation, I will expect them to appoint one or two people as spokespersons to represent them at a hearing session; I will not want to hear from everyone on the same or very similar points.

9. Examination Hearings Programme including issues to be debated

A list of **Matters and Issues**, which includes questions which have arisen from our reading of the plan, the evidence base and other core documents and the representations, will shortly be published on the examination website – hopefully by the middle of next week. This will provide the focus for the examination and will enable us to assess whether the LDP is sound and complies with the legal requirements. The questions should be used to structure any further submissions that you make. I will be using them to guide and focus discussion at the hearings and will be addressing them in our report.

The main matters which will be discussed at the hearings sessions will be identified in broad terms on the draft programme. Prior to the hearings I will publish a detailed agenda for each session which will be based on the Matters and Issues. The agendas will be available at least one week prior to each hearing session.

A draft programme will be published soon after the Matters and Issues. When it becomes available, I would be grateful if all participants would check it. If anyone who has requested to be heard has not been included in the list of participants set out on the draft programme, then please contact the Programme Officer as soon as possible. If anyone who originally wished to be heard decides that they wish to rely on their written submissions only, they should inform the Programme Officer at the earliest opportunity. I have tried to assign people to the most appropriate sessions based on their representations but if anyone thinks that they have been put in too many or too few or wrong sessions please tell the Programme Officer.

Whilst every effort will be made to keep to the programme late changes may be unavoidable. The Programme Officer will inform the hearing participants of any relevant late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

All sessions are public and those not participating are welcome to attend to observe.

10. Preparation and Submission of Further Material

From now on all written submissions from participants should address only the identified matters and issues. They should take the form of a short statement addressing some or all

of those matters identified and responding to the relevant questions. The **Council** should prepare a statement for each hearing covering all the matters and issues raised. If anyone, including the **Council**, considers that any of our questions have already been answered in the Core Documents they do not need to rephrase or repeat such answers but simply to refer to the document including the page/paragraph number.

Further detail on the content and deadline for submissions is set out in the Guidance Note. Please adhere to the guidance on the submission of written material and deadlines. Late submissions and additional papers are unlikely to be accepted.

If you think your original representation covers all matters you wish to raise then you need not submit a further statement. In these instances, it would be helpful if participants would notify the Programme Officer if they do not intend to submit further statements. Please note that the inspectors only have copies of representations made at and after the submission stage. I do not have copies of any communications submitted to the **Council** before the LDP was placed on deposit.

11. Availability of information

The Programme Officer maintains the Examination Library. It will contain Core and Examination Documents, background papers and any other documents that are likely to be referred to including summaries of representations and hearing statements. The documents list is available on the examination website where it is also possible to inspect all the submission documents, summaries of the representations received in relation to the deposit version of the LDP and focussed changes, and the **Council**'s response to these representations.

You should ensure that any documents you intend to refer to are included in the list of Core Documents and you should email any missing documents to the Programme Officer.

12. Site Visit Arrangements

I will be conducting a tour of the area, including site visits to places referred to in the representations on an unaccompanied basis. If there are particular reasons for an accompanied visit, participants should discuss this with the Programme Officer.

13. Close of the Examination

The Examination will remain open until my report is submitted to the Council. I will not, however, accept any further representations or evidence after the hearing sessions have finished. The Examination remains open to enable me to request further information if a deficiency is identified. Any late or unsolicited material is likely to be returned.

14. Submission of Inspectors' Report

After the Hearing Sessions are closed and any necessary consultation completed, I will submit our report with binding recommendations to the **Council**. The date of submission will depend on the content, extent and length of the Examination. I will confirm the likely date at the end of the hearing sessions. Just to emphasise, the recommendations will be binding.

15. Questions

Are there **ANY QUESTIONS** regarding the administration of the Examination? If anyone has a question please could you use the raise hand function and, when you have had a chance to do that, I will go through the list of participants in order. Could you please introduce yourself including any organisation that you represent?

16. Close of Meeting

If there are no other matters to be raised I will close the meeting.

Thank you and I look forward to meeting those of you who will be attending the hearing sessions. **CLOSE OF MEETING ….AT …….**

Appendix H – Example of an agenda for hearing sessions

[Insert Plan name])

EXAMINATION

AGENDA

for

Hearing Session 1 [insert date and time]

Virtual Hearing

Plan Preparation and LDP Strategic Framework

Issue – Is the LDP legally compliant, and is the Plan's Strategy justified and likely to be effective in ensuring that development needs of XXXXXX can be met in a way that contributes to the achievement of sustainable development?

1. **Introduction**
2. **Opening Statement by [insert name of LPA]**
3. **Procedural Matters**
4. **Questions - [insert questions from M, I&Q]**
5. **AOB**

Closing

Action Point Discussion

Appendix I– Example of Inspector's opening for a hearing session

[insert name of LPA and Plan]

EXAMINATION

Inspector's Opening for Hearing Sessions

Bore da, good morning, it's 10: 00 and this hearing session is now open.

Can everyone hear me? – if you could activate the raised hand function please.

Parties to this hearing have asked to speak in Welsh so simultaneous translation will be provided throughout the hearing sessions.

Mae partïon i'r gwrandawiad hwn wedi gofyn am gael siarad yn Gymraeg felly bydd cyfieithu cydamserol yn cael ei ddarparu drwy gydol sesiynau'r gwrandawiad.

Could I ask everyone who is participating in this session to ensure that their camera and microphone is turned off until you are invited to speak. Council could I ask that your camera is left on for the duration of the hearing session. Can everyone who is observing ensure that their camera and microphone are off and remain so for the duration of the hearing.

My name is[insert name], I am a Chartered Town Planner and, along with my colleague Ian Stevens, I have been appointed by the Welsh Ministers to hold the examination into the soundness of the [insert name of Plan].

Ian and I are joined today by the examination Programme Officer, [insert name]. [insert name] is acting independently of the Council and works under our direction. Should you require any assistance during the examination please contact [insert name]. Her contact details are on the website.

Can we do some **introductions** please.

Starting with the Council – Can you introduce your team please?

Now participants – When I say your name will you put your camera on and introduce yourself.

As I indicated earlier, observers are welcome to view the hearings, but I must stress they cannot participate in the sessions.

Before I proceed there are a number of **housekeeping** issues I need to address:

- If there is a telephone near you, please turn it to silent or divert it;

- With regard to technical issues, we will try and be aware if someone loses connection and will adjourn for 5 minutes. If you lose connection, please turn your computer on and off and try and re-join. If this doesn't work, please contact the Programme Officer. If the problem persists then a longer adjournment may be needed; and

- If you decide to leave, please let us know that way we won't think your absence is due to a connection problem.

In terms of the **scope of the examination and our role**, the examination refers to the whole process from the time the Council submitted the (R)LDP to the Welsh Ministers for examination to the submission of our report.

Our role is to consider whether the Plan is sound and we can only recommend changes which are necessary to make the Plan sound. We won't, therefore, suggest changes which would merely seek to improve the Plan. We will consider the representations made by all parties but only insofar as they relate to the tests of soundness. In brief, these are:

Test 1: Whether the plan fits – that is, is it consistent with other national, regional and local plans, policy and strategies; and

Test 2: Is the plan appropriate – that is, is it appropriate for the area in light of the evidence; and

Test 3: Will the plan deliver – that is, is it likely to be effective.

In addition, we have to be satisfied that the plan has been properly prepared in accordance with legal and regulatory requirements.

The **format of today's proceedings** will be that of a structured discussion which we shall lead. We will discuss each site in turn. The discussion will focus on the matters, issues and questions identified in the agenda. During the discussion:

- We will invite contributions from those participants who have duly made representation in relation to the site being discussed. We have read all the submitted evidence so there is no need for you to repeat anything in detail that you have already brought to our attention;

- If you wish to address a point that has been made, please indicate this by using the raised hand function on the tool bar;

- If you are concerned that we have missed you request, then turn on your camera and microphone and advise us of the situation; and

- Please refrain from using the chat function. It is distracting and side discussions are unhelpful.

I won't need to, but I will turn participants microphones off if they become disruptive.

At the end of each discussion participants will be asked to sum-up the main points of their arguments. In particular, we want to hear:

- In what way participants consider the plan to be unsound, and

- How the plan should be changed to make it sound.

Following the close of each hearing, we will discuss and agree with the Council a list of actions arising from the session. Participants and observers are welcome to stay for the discussion should they wish. A detailed list of the agreed 'Action Points' will be posted on the examination website shortly after the hearing session.

In terms of **breaks**, digital events can be quite demanding so we will take regular breaks – about every 90 minutes or so. If anyone feels or needs a adjournment at any other time please let us know.

As in a physical event, it is crucial in the interests of openness that, before, during and after the hearing we are not left alone with any party. Therefore when we adjourn, please allow us to leave the meeting before you do.

Please do not 'end the call' during breaks as you will need to be readmitted from the lobby and this may cause delays.

After the hearing sessions, the examination will remain open until our report is submitted to the Council. However, we will not accept any further representations or evidence after the hearing sessions have finished. The examination will remain open to enable us to request any further information if a deficiency is identified but any late or unsolicited information is likely to be returned.

Are there any other questions regarding the procedure?

Then shall we move on to the first question / site…

Appendix J – Example of an action point table

[insert name of LPA and Plan]

EXAMINATION

Hearing Session 3 – Affordable Housing and Gypsy and Traveller Provision

Action Point	To be completed by
AP3/1 – Amend Policy SP5 to include a new affordable housing target of 1,930, to replace reference to '*minimum'* with '*target*' and the reasoned justification to explain that the target is a starting point for provision.	21 November 2024
AP3/2 – Delete the second, third, fourth and seventh sentences of Policy AHOM1 and relocated these requirements to the reasoned justification.	21 November 2024
AP3/3 – Delete reference to '*Glossary of Terms'* from Policy AHOM2 and provide an appropriate reference in the reasoned justification, replace reference to '*Tiers 1 – 3'* with '*Tiers 1- 4'*, delete reference to *'exceptional circumstances'* and define *'local need'* in the reasoned justification.	21 November 2024
AP3/5 – Amend Policy SP10 to include the requirement for new Gypsy and Traveller pitches over the Plan period, include the number of pitched that will be provided on each of the allocated sites and amend the reasoned justification to explain the requirement figure and how it will be met up to 2033.	21 November 2024
AP3/5 – Delete reference to *'or there is no opportunity to extend those sites'* from Policy GT1.	21 November 2024

General note on Action Points (APs):

These will normally be agreed in principle by the Inspectors and the Council, and any other participant as required, at the end of the relevant hearing session. Where possible the AP will specify an agreed timeframe for completion. If it is not possible to determine the timeframe at the time of discussion, the Council will liaise with the Inspectors over this via the Programme Officer. The Inspectors will send the suggested form of wording for the APs to the Council via the Programme Officer as soon as practicable after the end of a hearing session. Once the Council is satisfied that the contents are accurate, they will be published to the Examination website as soon as possible in the interests of transparency. The Council will work on the schedule of Matters Arising Changes (MACs) in parallel with the APs and their AP responses, ensuring that MACs are accurately recorded at the earliest possible stage. The Inspectors will confirm when they expect to be sent an up to date MAC Schedule; this will normally be in advance of the final hearing session.

Appendix K - Example of an Inspector's letter which raises substantive concerns

[insert name of LDP]

EXAMINATION

HOUSING SUPPLY

The purpose of this note is to outline our preliminary findings in respect of the housing supply (HS) contained in the emerging (R)LDP and to seek the Council's view on the approach to be taken to ameliorate the issue identified.

National Guidance

The Development Plans Manual (DPM) recognises that it will be extremely rare for all sites identified in a plan to come forward in the timescales anticipated and that there may be instances where site specific circumstances, unknown at the plan making stage, delay the delivery of sites. To address these circumstances, the DPM requires that a flexibility allowance is identified and embedded into the plan. The Manual suggests that the starting point for the allowance could be 10% with any variation robustly evidenced and that the level of flexibility chosen when the LDP goes on deposit is broadly maintained upon adoption of the plan.

Background

The submitted RLDP through Policy SP1 outlines a housing requirement (HR) of 8,822 new dwellings to be provided in Carmarthenshire over the plan period. To meet the HR, the Plan makes provision for a HS of 9,704 dwellings. The HS includes a 10% flexibility allowance which equates to 882 dwellings. The policy is supported a trajectory which shows an average anticipated annual build rate (AABR) of 588 dwellings.

Details of the committed and allocated sites are contained in Policy HOM1, which identifies 192 sites which are intended to be developed over the Plan period. Over half of the sites identified are commitments, that is sites that are completed, under construction or have planning permission.

During the Examination, it became clear that the level of windfall development included in the HS for the plan period could not be achieved. As a result, the Council proposed the reduction of the windfall figure (which includes small and large sites) from 2,880 to 2,221 dwellings. A net reduction of 659 dwellings.

Based on the submitted evidence and that presented in during Hearing Session 2, we agree that the allowance for windfall development for the plan period up to March 2024 has not been achieved and the HS should be amended to reflect the revised figures for small and large sites.

The reduction of the windfall allowance would reduce the HS from 9,704 to 9,045 dwellings and, in doing so, lower the flexibility allowance to some 2.5% (223 dwellings). As a consequence, the Council's statement indicates that the make-up of the HS would be

altered, with 4,565 dwellings provided by committed sites, 2,259 dwellings by allocated sites, and 2,221 dwellings by windfall sites.

The Council's statement for HS2 concluded that, given the robustness of the supporting evidence presented in respect of each of the allocated and committed sites, a 2.5% flexibility allowance would be sufficient to ensure the deliverability of the HS at the rate outlined in the housing trajectory over the plan period.

Considerations

On the basis of the evidence presented in respect of windfall sites, which includes data in relation to urban capacity, settlement boundaries and the review of committed sites, we are satisfied that these elements are capable of contributing 2,221 new dwellings to the HS over the plan period.

Over the course of Hearing Sessions 7 – 12, we heard concerns from representors about the approach taken to rolling forward allocated sites and the impact that matters such as ecology, flood risk, phosphates, reclamation works, highway access and land ownership may have on the delivery of allocated sites. We have also heard the evidence presented by the Council in support of these sites. These discussions have drawn into question the ability of some allocated sites to be delivered in the manner and timescales envisaged in the Plan.

Predicting the delivery rate of new housing is not an exact science and, for reasons including those outlined by representors, the sites may be subject to delays resulting in a shortfall in provision against the AABR. The risk of such a delay is compounded by the make-up of the HS which places significant reliance on the delivery of committed sites which only benefit from outline consent and allocated sites which it has been suggested are subject to a range of constraints. Although we are satisfied that these sites will come forward over the plan period, we remain concerned that the development may differ in scale from that intended and / or be subject to protracted approval / construction periods.

To safeguard against any potential delay in the delivery of sites, the Council is proposing the inclusion of a 2.5% flexibility allowance in the HS. This level of flexibility would equate to less than one year of the average AABR. Should the flexibility allowance be required to address a reduction in the scale of development or further delay in the delivery of the allocated and committed sites in the early / middle phases of the plan period then it is likely that insufficient capacity would remain in the HS to address any other unforeseen shortfall in provision that may occur up to 2033.

For this reason, we are of the view that the flexibility allowance should be extended to a minimum of 10% (882 dwellings) with consideration being given to extending the provision further. This level of increase would ensure that sufficient land would be available to address any unforeseen circumstances that may occur and that the HR would be delivered during the plan period.

Way Forward

To address the requirement, the Council will need to identify site(s) capable of increasing the Plan's flexibility allowance to at least 10% (882 dwellings). Once the Council has identified land to meet this requirement, it should then undertake a 6-week public

consultation exercise in respect of these additional sites. The consultation should be undertaken in accordance with the requirements set out in the RLDP Delivery Agreement.

The Council should submit details of the proposed additional sites, supporting evidence and a report outlining the findings of the public consultation exercise to the Programme Officer by [insert date].

If you have any questions about the content of this note, please contact us via the Programme Officer.

[insert name(s)]

INSPECTOR

Appendix L – Report Template

The report template can be found in the ‘Decision & Report Templates’ eClip:
https://documents.hf.wales.gov.uk/id:A58647965/document/versions/published