

## THE LDP EXAMINATION IS UNDERWAY – THE PROCESS – long version

### Powys collates public responses -> Submission

LDP FFCs submitted and must include:

Monitoring framework

SAR/SEA/HRA

Statutory Proposals map: site allocations and all policies with spatial component

Optional non-statutory constraints map as supporting document

Evidence papers: PIN only considers if flawed, out of date or at variance with plan

Background (Topic Papers on how evidence informed policy)

PCC send original representations with ID for each representor

Number of reps. & list of reps not duly made

Support/objection/soundness issue - support ignored, soundness carefully considered

PCC consultations report, including how community involved

Summary of main issues and how can be addressed and spread sheet summary.

No further submissions after this by anyone unless required by PIN.

### PIN looks at LDP, FCs and FFCs (but seen LDP and FCs before Exploratory Meeting 10.5.16)

PIN scoping exercise:

- opportunity to arrange specialist support for technical issues or extra PIN help

- decide on status of FFCs – likely to happen early on

- need for schedule of minor changes which won't need further work.

Start to identify **MATTERS** e.g. housing provision, flood risk, renewable energy and **ISSUES** points relating to soundness of policy

**MATTERS** and **ISSUES** will provide the structure of the hearing.

PIN looks for **CUMULATIVE FLAWS**: need so many changes to make sound that LDP becomes different document compromising prior community involvement and SA

### WGov also looks at LDP, FCs, FFCs

Can make a representation seeking change

### May be another exploratory meeting? Notice: 4 weeks

Why? An early opportunity to consider serious concerns re soundness  
Can these be addressed by another SUSPENSION of less than 6 months for more work?

Who? LPA, WGov. Representors can attend and, rarely, PIN can ask representors to participate.

Outcome Further work agreed or proceed to PHM or, rarely, refuse LDP.  
May be decision on whether FFCs allowable.

### Pre-Hearing Meeting 8-10 weeks after Submission: Notice: 4 weeks (announced for early Feb.2017)

Why? NOT to discuss merits or contents of plan or representations  
Date and program for hearing and list of matters and issues will be set by now  
PIN to discuss any issues thinks require further investigation during exam.  
LPA or representors can be asked to submit more material before exam.  
May be allowed advocate if let PIN know in advance

Who? LPA, representors should attend if going to attend Hearing

Outcome Clarity about how Hearing will work and main **MATTERS** and **ISSUES** programme  
May be decision about FFCs being allowable.

**Interim** PIN can ask for written submission up to 3,000 words from LPA &/or representors  
Submitted 2-3 weeks before hearing and circulated.  
Rarely, LPA has right of reply to representor submission.  
PIN can ask for Statements of Common Grounds between LPA & representors.  
PIN can arrange technical seminar to aid understanding of technical issues in hearing.

**Hearing** Notice: 6 weeks announced for late March 2017  
Will last 4 -5 weeks with 3-4 days/week arranged by different concerns.

Who? Objectors seeking LDP change, if representations “duly made”. No place for supporters.  
Barristers, solicitors, planning consultants allowed, if want formal approach.  
PIN can invite help from other experts but cannot oblige anyone to attend.

Procedure Strategic issues first but flexible agenda set for next day(s) as issues arise  
PIN can be inquisitorial but no cross-examination unless, rarely, PIN thinks technical issue  
demands this.  
PIN tries to keep numbers to 20 and encourages common causes to find one speaker

Outcome Inspector looking for sound deliverable LDP not best possible LDP  
Inspector could agree to “Matters Arising Changes” (**MACs**) suggested by PCC  
Inspector could set “Inspector Changes” (**ICs**)  
Either of these may need further SA, HRA  
Both types of late change are binding on PCC

Inspector could find LDP **UNSOUND** at this stage, which is waste of time and money and  
should have been avoided by PCC’s adequate submissions and previous procedure.

**Fact-check Report** takes 2 weeks

Who? PCC does fact check  
WGov. reviews copy and can intervene if conflict with National Policy  
PIN responds to fact-check results and sends completed report to PCC  
**PIN LDP REPORT is BINDING**

**Adoption** within 8 weeks of receipt  
**PCC must resolve to ADOPT report**  
**publish date of ADOPTION & 6-week period for High Court Challenge**  
including **ADOPTION STATEMENT** and final **SA & consultation reports**

**LDP operates from date of ADOPTION and undergoes regular MONITORING**

If called in by Welsh Government, operates from **date of WGov approval**.

Prepared by Brecon and Radnor Branch CPRW.  
This is our understanding of process from sources below.

*More information about procedure: (best sources \*)*

**PINS LDP Plan Examination: Procedure Guidance (August 2014)\***

PINS LDPs Preparing for submission (August 2014)

PINS Guidance for Programme Officers: LDP Examinations (June 2014)

All at: <http://gov.wales/topics/planning/appeals/examination-process/?lang=en>

**Welsh Government: Local Development Plan Manual (October 2015)\***

<http://gov.wales/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en>

Planning Policy Wales (9) Ch.2 November 2016

<http://gov.wales/topics/planning/policy/ppw/?lang=en>

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Watch out for news! : <http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-examination/>