



The Planning Inspectorate

An Executive Agency in the Department for Communities and Local Government and the National Assembly for Wales

A brief guide to examining development plan documents

Development plan documents set planning policies in local-authority areas. They are very important when deciding planning applications. An independent planning inspector must look at all development plan documents that local authorities in England produce. This is the last stage of the process for producing the development plan document that should have fully involved everyone who has an interest in the document. And they should have had the chance to comment.

The inspector checks that the authority has prepared the document legally and tests whether it is 'sound'. There is no legal definition of 'sound', but in this context, we use its ordinary meaning of 'showing good judgment' and 'able to be trusted'.

How do I get involved in the examination?

When the authority presents its development plan document (known as **submission**) for independent examination, it will put the document on its website and make it available at its office and other suitable venues, such as public libraries. The authority will also give notice that it has submitted the document for examination by placing an advert in the local newspaper.

The authority will put a form on its website for you to make your comments (known as **representations**) on the development plan document. Or, you may ask the authority for a paper copy of the form to fill in. Their contact details will be on their website and in the newspaper advert. The authority will also provide a guidance note to help you fill it in and tell you where and when to send the filled-in form.

To make sure your representation is considered at the examination, you must make the representation during the six-week consultation period which the authority will set. You should also let the authority know if you want to speak to the inspector at the examination.

What form will the examination take?

The inspector will decide the most suitable examination method. If you want to speak to the inspector, the inspector will use either the round-table or hearing method.

The round-table method allows people to have short informal discussions on a range of issues in a fairly relaxed atmosphere. **Hearings** allow people to have more concentrated discussions of the issues involved, but will usually still be informal. Where there are strongly opposed views on matters within the development plan document, the evidence may need to be tested more formally, with the relevant people being supported with their cases by legal representation.

The inspector will combine this approach with carrying out the examination through a process known as **written representations**. This is a procedure which allows the inspector to carry out the examination through written communications with the people who have an interest in the development plan document. If no-one uses their right to speak to the inspector, the inspector may choose to carry out the whole examination using written representations.

How will the inspector make the assessment?

In most cases, the inspector will hold a meeting before the examination to discuss how he or she will manage the examination (known as the **pre-examination meeting**). The meeting will identify the main areas to be examined and a timetable will be produced for the discussion or hearing sessions. Everyone involved in the examination will be invited to the meeting.

The inspector will assume that the development plan document is sound unless the evidence considered at the examination tells him or her otherwise. In carrying out the examination, the inspector will apply **nine tests of soundness**. The tests provide a basis for the inspector to consider the soundness of the document and make sure that it has been prepared in line with the correct procedure and will do the job intended by the authority. There is a short summary of the tests in the box over the page. The tests of soundness are set out in full for you in the appendix to the representation form provided by your local authority.

In assessing the document, the inspector will need to use his or her **professional judgement** based on the evidence available. The inspector will need to consider the whole development plan document and all of the representations made. If the inspector is not satisfied that the local authority can show that the document meets the tests of soundness, he or she may ask the authority to carry out more work before the examination can be completed. The inspector may also want more details from those raising matters at the examination and will set a timetable for receiving that information, before making his or her report.

The length of the examination will vary according to how complicated the document is and what representations have been made. However, it should take no longer than 12 months from when the document is submitted for the inspector's report to be issued.

What happens after the inspector has made the assessment?

After the examination, the inspector will produce a **binding report** for the local planning authority with his or her recommendations. The authority must make the changes recommended by the inspector when they

adopt the development plan document. The authority must publish the inspector's recommendations and tell those people who asked to be informed of its publication. The report should also be available for inspection at the authority's offices, and any other suitable venues, and on its website.

A brief summary of the nine tests of soundness

Tests one to three involve the inspector checking that the authority has followed the proper procedures in preparing the development plan document. The inspector will need to make sure that the document has been prepared in line with the local development scheme – the programme of local development documents that the authority plans to produce. The inspector must check that the development plan document has gone through proper community consultation, and that the authority has considered the environmental, social and economic effects of the policies in the document.

Tests four and five involve the inspector checking that the development plan document is in line with the range of other plans and policies which cover the development plan document area, particularly the policies of central government and at regional level. The inspector must also specifically check that the development plan document considers the authority's community strategy. The community strategy is a document focused on co-ordinating action to improve the social, environmental and economic wellbeing of the area.

Tests six to nine are needed to make sure that the development plan document is consistent with other development plan documents being prepared by the authority. Inspectors must assess the suitability of the document proposals, looking at the evidence provided by the authority and the representations received. The inspector will need to be satisfied that the authority has properly considered other proposals. The inspector will need to be clear that the policies in the document are achievable and that there are systems in place to measure how successful the development plan document's aims are. The inspector will also need to be satisfied that the policies in the document are flexible enough to deal with changes in local circumstances.

Frequently asked questions

1 Can representations on a development plan document be made confidentially?

The local planning authority cannot treat the representations it receives as confidential as the examination is a public process. This will also help to make sure that you have a chance to identify other people who may have made a representation similar to yours.

2 What is the nature of the legal right to be heard?

You only have the right to be heard if you are seeking a change to the document. If your representation is in support of the development plan document, you cannot speak to the inspector unless invited. The inspector will decide how you will be heard.

If you want to use this right, you should consider how going to the examination, rather than setting out your case in writing, will help the inspector decide whether the document is sound. Written representations are treated with equal importance to examination appearances.

3 Do representations opposing a development plan document have to be related to the tests of soundness?

No, but it will help the inspector considerably in the examination process if your representation seeking a change to the document focuses on the tests of soundness. Your representations should aim to show why the document is unsound and what changes you think are needed to make it sound.

4 Will the inspector help me to make my representation at the examination?

Inspectors will make sure that people who are not familiar with an oral hearing are properly guided though the process. However, the inspector must be fair to other people who might not share your views and can only offer limited help.

5 Who will pay my costs if I go to the examination?

Everyone who goes to a discussion or hearing will be responsible for meeting their own costs.

6 Will I be able to identify specifically how my representation has been dealt with in the inspector's report?

The report will not summarise any representations considered at the examination. It will focus on whether the development plan document is sound overall, which the inspector's conclusions will cover.

7 What if I want to challenge the adopted development plan document?

Any person may challenge an adopted development plan document if they do not think that it meets the conditions of the relevant legislation. Applications must be made to the High Court within six weeks of the date of the authority advertising that the development plan document has been adopted.

You should get legal advice before starting this process.

8 How can I find out more information?

There is more detailed information on the examination process in '**Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents**'. You may ask our policy unit for a copy of this document (e-mail Martin.Smith@pins.gsi.gov.uk, phone 0117 372 6313) or you can download it from our website at www.planning-inspectorate.gov.uk.



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