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**Date:** 17 April 2025

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(By email to [richard.schofield@pins.gsi.gov.uk](mailto:richard.schofield@pins.gsi.gov.uk))

Dear Mr Schofield,

### **Mid Sussex District Plan 2021-2039: Inspector's Stage 1 Findings - Complaint**

This letter outlines our concerns in relation to the conduct of Ms Louise Nurser, the Inspector appointed by the Secretary of State to undertake the Independent Examination of the Mid Sussex District Local Plan 2021-2039 ("the Plan").

As set out in your Code of Conduct<sup>1</sup> ("the Code"), the highest standards of propriety must be maintained, by all persons and at all times. Read alongside your complaint's procedure, it is clear that conduct that may pose a risk to the Inspectorate's reputation for impartiality, integrity and high professional standards will not be tolerated.

Since the appointment of the Inspector to examine this Council's Local Plan, there have been a series of behaviours that the Council has observed which it does not believe accord with the Code, as well as further guidance produced by the Secretary of State and the Inspectorate on the examination of Local Plans. In summary, these relate to:

- Decisions made by the Inspector being fettered by pre-determined views, with the Inspector not being open to persuasion and alternative points of view. This is reflected in the letter from the Inspector dated 4 April 2025 ("the Letter") setting out her views on the Duty to Co-operate (DtC) with further examples on other elements of the Plan indicating this approach extended beyond matters of legal compliance.
- Her behaviour at the examination hearings including not behaving with courtesy, patience and understanding. This meant, amongst other things, the Council was often unable to respond properly or fully to the Inspector's questions and her language and tone discouraged participation from those making representations on the Plan. The hearing sessions themselves were also often disorganised and difficult to follow, further limiting effective participation in them.

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<sup>1</sup> <https://www.gov.uk/government/publications/code-of-conduct/code-of-conduct> Code of Conduct - GOV.UK

- The extended timescales particularly following the conclusion of the Stage 1 examination hearings in reaching a decision about the Plan. This was exacerbated by a lack of correspondence from the Inspector as to the timescales she was working to. As you will be aware, this led to the Council making enquiries to the Chief Planning Inspector at the Inspectorate on 28th January 2025, as to the progress of the examination.

The Council considers that these behaviours have materially affected and contributed to the view reached by the Inspector in her Letter, namely that the Council failed to comply with the DtC. Even if the Inspector was minded to conclude that the DtC had been met (which she is not), the behaviours displayed are such that the Council has no faith that the Plan has and would continue to have a fair and impartial examination, which would lead to the best possible outcomes for the Council and the communities it represents. In addition to this, at various points during the examination, the actions of the Inspector have brought the Council's reputation with developers, Town and Parish Councils and members of the public into disrepute. It has also undermined the District Councillor's confidence in the plan-making process. Neither of these outcomes are acceptable.

The Council wishes to stress that its decision to complain about the Inspector's behaviour is unfettered by the outcome in the Letter (e.g. that the Council has failed the DtC). Since the beginning of the Examination of the Plan, when concerns about the Inspector's conduct were first noted, the Council has been carefully monitoring her behaviour. The Council is aware of similar behaviours at previous Local Plan examinations, notably at East Cambridgeshire<sup>2</sup>.

Up until receipt of the Inspector's Letter, the Council's view was that these concerns were best left until the conclusion of the process, at which point they would have been raised, irrespective of the inspector's conclusions in relation to the Plan. In essence, and despite its concerns, the Council was willing to work as constructively as possible with the Inspector to enable timely adoption of the Plan, given the positive benefits this would provide to the area including continuing to deliver much needed homes. However, given the Inspector's decision that the Council has failed the DtC, and the Council's belief that her conduct has materially impacted the decision that has been arrived at, the Council considers it now has no choice but to raise the conduct issues with you.

In conjunction with this Letter, the Council has sent a letter pursuant to the Pre-Action Protocol for Judicial Review, identifying what it believes are serious errors of law in the Inspector's reasoning. This letter is appended for information. Whilst the Pre-Action Protocol Letter and this complaint lead the Council to the same conclusion (namely, that the Inspector should be replaced before she issues her final Report), as noted in our Pre-Action Protocol Letter, the Council has taken legal advice and concluded that the conduct of the Inspector falls short (albeit only just) of what would be necessary to allege bias as a further ground of legal challenge. On that basis, the Council requests that this complaint is progressed separately and irrespective of any decision the Council ultimately makes relating to judicial review of the Inspector's decision.

Given the seriousness of the matters raised in our complaint, we request that the Inspector is removed from her role of examining the Plan and that a new Inspector is appointed in her stead, who is tasked with re-starting the examination of the Plan.

In the remainder of this letter, we provide further details to substantiate the concerns about the Inspector's behaviour and the effect this has had on the impartial and professional examination of the Plan. Where relevant, we will draw your attention to Appendix A, which provides links to the YouTube recordings of the examination hearings and time references within hearing sessions which support our complaint. We urge you to take the time to look at these extracts, because we believe

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<sup>2</sup> <https://eastcambs.gov.uk/sites/default/files/2024-12/28%20fc210219%20T208.pdf> [Letter]

the justification for our complaints will be readily apparent from them, in a way which is not always easy to convey on the written page. Given the length of Appendix A (some 20 pages), this should give a clear indication of the widespread and re-occurring nature of our concerns regarding the conduct of the Inspector. These are not isolated incidents; they have pervaded our experience of the whole of this Plan examination.

### **Issue 1: Pre-determined views of the Plan**

There are three matters particularly in relation to demonstrating the DtC that the Council considers illustrate that the Inspector had pre-determined views of the Plan. These relate to:

- insistence on a “top-down” approach to determining the extent to which unmet housing needs could be accommodated;
- the Council’s evidence on its approach to site selection and the implications of that for the effectiveness of the Plan; and
- the Inspector’s erroneous interpretation of Policy DP5 of the Mid Sussex District Plan (MSDP) and insistence that the Inspector for this Plan had required an early review of it in order to address the unmet housing needs of neighbouring authorities

**Insistence on a top-down approach.** Throughout the preparation of the Plan, the Council has known there were, or were likely to be, significant unmet needs in adjoining areas. It has also been clear that the general scale of that need was far more than Mid Sussex could ever accommodate. The Letter refers to an unmet need for 7,505 homes in Crawley [para 34], 2,275 in Horsham [para 45], and 17,000 in Brighton & Hove [para 68]. Although these precise figures have not always been known, it has always been apparent that the area would never be able to accommodate the entirety of the unmet need, nor has it ever been suggested that it should do alone (as opposed to any of the DtC partners’ other neighbours). Therefore, the overall unmet need of surrounding areas was not a sensible figure to be used when preparing the Plan. Additionally, none of the Council’s neighbours identified a particular figure which they were asking the Council to meet. The Council therefore concluded that in the absence of an assessment of the availability of suitable sites within its own area, any figure which it arrived at as a “top-down” statement of the number of homes it should seek to provide in order to assist its neighbours would have been entirely arbitrary, and ultimately meaningless.

Accordingly, the approach taken by the Council was to address the issue of unmet needs “from the bottom up”, by identifying and then allocating all those sites which it considered could be brought forward without unacceptable harm. In that way, it ensured that it would be making the maximum contribution possible to meeting the needs of its neighbours, without unacceptable environmental harm. This approach is clearly set out in the Council’s evidence base<sup>3</sup>. It was also the subject of discussion at the examination hearings<sup>4</sup> and is re-confirmed in a post-hearing note to the Inspector<sup>5</sup>.

Despite these explanations, a key criticism by the Inspector is that, throughout its discussions with its neighbours and in its preparation of the Plan, the Council has failed to identify a figure representing the number of homes it would provide to meet each of their needs. This centrality of this to the Inspector’s reasoning can be seen at paragraphs 42, 53 and 54 of the Letter. There is no legal or policy requirement that sets out that in order for the Council to demonstrate it has been sufficiently positive in seeking to meet the needs of adjoining areas that it must start with or have

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<sup>3</sup> Site Selection Methodology (SSP1, para 63)

<sup>4</sup> [Day 1 20:59](#) & [Day 2 4:44:00](#)

<sup>5</sup> Action Point 18 response (AP018, para 3)

identified a “top down” figure. Indeed, as explained by the Council at the hearing sessions, the outcome of adopting a “top-down” vs “bottom-up” approach is the same. It is clear that the Inspector’s pre-determined view that there is a singular way to produce a Plan, has been central to her concluding that the Council has failed the DtC.

**The Council’s site selection evidence.** In the Letter, the Inspector recognised that “authorities are not obliged to accept needs from other areas where it can be demonstrated that it would have an adverse impact when assessed against policies in the Framework” [para 14]. This is clearly correct, given the terms of para 11(b) of the National Planning Policy Framework (“the NPPF”). It is also the approach taken by the Council in deciding which sites to bring forward, which in turn has determined the overall quantum of homes the Council is able to plan for. At no point in the Letter does the Inspector take issue with either the methodology adopted by the Council when assessing sites, or the results of the Council’s assessment. Nor does she explain what additional steps the Council might have taken to identify additional sites, so as to make the Plan more effective.

The Letter fails to grapple with the Council’s case that the approach it has taken has maximised the amount of housing which can be delivered without an “adverse impact when assessed against policies in the Framework”. It also fails to explain what the Council could have done to make the Plan more effective in addressing the unmet needs of adjoining areas. Despite this, the Inspector criticises the Council for “relying on what is left once Mid-Sussex’s needs have been provided for” (para 42) and only providing for unmet needs “through any housing which is surplus to Mid-Sussex’s needs” (para 63). The Inspector’s reasoning fails to grapple with the fact that, because the only constraint employed by the Council in identifying sites to meet need was the question of whether sites could be released without unacceptable environmental harm, the surplus which has been identified is not simply what is left over after the Council’s own needs have been met, but is the maximum contribution the Council can make to meeting the needs of adjoining areas. Based on this, and when taken in conjunction with her views on the need for a “top-down” approach, and the absence of any further explanation on what more the Council could practically have done to improve the effectiveness of the Plan in meeting unmet needs, this leaves the Council to conclude that the only issue can be that the Inspector does like not the approach adopted and despite the evidence and representations made is not willing to see the merit in it.

**Interpretation of Policy DP5.** The Background and Context section of the Letter refers to Policy DP5 of the MSDC (paras 20 and 21) and thereafter the Inspector places much importance on it on reaching her conclusions regarding the DtC (see paras 35, 38, 42, 59, 63, and 80). This includes, in the Inspector’s view, that Policy DP5 required the Council to undertake an early review of the Plan in order to meet the needs of surrounding areas (see paras 21, 25 and 80). The Inspector’s reliance on Policy DP5 betrays a demonstrable and fundamental misunderstanding of that policy, including:

- the Policy does not require the Council to undertake a prompt/early review of the Plan; and
- that the Inspector appears to have interpreted the policy as a commitment or instruction for the Council to address the unmet needs of the wider area in full.

These errors in the Inspector’s understanding of the policy have fettered her decision making throughout the examination, despite evidence and representations being made to explain the rationale and intent behind DP5.

In addition, turns of phrase used by the Inspector (e.g. repeated references that nothing makes sense in the Council’s evidence and Plan<sup>6</sup> ) along with inconsistencies in her conclusions during

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<sup>6</sup> Appendix A: 1-13, 1-14, 1-16, 3-11

examination hearings (e.g. around the timing of when the Council received formal requests regarding meeting unmet needs and the implication of this for Council<sup>7</sup>) further gave the impression that the Inspector had already decided before the examination hearings that the Plan could not be legally compliant and/or capable of being found sound, and that she was not receptive to or open to persuasion and alternative points of view. The Inspector dismissed answers provided by the Council as ‘not credible’<sup>8</sup> and only appears to accept the points being made when corroborated by other participants and her colleague Inspectors in their reports on Plan examinations<sup>9</sup>.

Furthermore, given the conclusions reached by the Inspector in her Letter, the Council considers that the Inspector has not complied with the guidance prepared by the Secretary of State and the Inspectorate. The Planning Practice Guidance (PPG) on Plan-making provides an overview of the examination process. Within this section, one of the headings relates to ‘What happens if the Inspector has significant concerns about a submitted local plan before the hearings begin?’<sup>10</sup>. It states that (emphasis added):

“The Inspector will make an initial assessment of the local plan once it has been submitted for examination. If the Inspector forms an early view that the submitted plan may have serious shortcomings, for example in relation to the duty to cooperate, other procedural requirements or the soundness of the plan, the Inspector will raise this with the local planning authority at an early stage.”

Where any such major concerns are identified, the Inspector will write to the local planning authority setting these out. If the issues cannot be addressed through correspondence the Inspector may arrange for one or more initial hearing sessions, or a procedural meeting, to take place in order to address them.

The Inspector will give the local planning authority every opportunity to respond to any concerns and address key issues that may lead the Inspector to conclude that the plan is not sound or that a legal requirement has not been met.”

In addition, the Procedure Guide for Local Plan Examinations (“Procedure Guidance”)<sup>11</sup> includes guidance on the initial assessment of the Plan and the organisation of the hearings. In relation to this it states (emphasis added):

“3.4. The Inspector will aim to front-load the process to ensure the efficient and effective progress of the examination. For example, where it is possible, by identifying any apparent omissions in the evidence base or weaknesses in the justification for policies at an early stage. This can help provide an opportunity for the LPA to address these in time for discussion at the hearing sessions, rather than additional work being required after them, causing avoidable delay to the examination. In some cases, it may also save time at the hearing sessions by removing the need for some discussion.

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<sup>7</sup> Appendix A: 2-1

<sup>8</sup> Appendix A: 2-9

<sup>9</sup> Appendix A: 2-10

<sup>10</sup> Paragraph: 055 Reference ID: 61-055- [Plan-making - GOV.UK](#)

<sup>11</sup> [Procedure Guide for Local Plan Examinations - GOV.UK](#)

3.5. The duty to co-operate must be fulfilled when preparing the plan and any failure in this regard cannot be rectified after the plan has been submitted for examination. If the Inspector's initial assessment raises concerns that that the duty may not have been met, or identifies what appear to be fundamental flaws in the plan or the evidence base, the Inspector will raise these with the LPA as soon as possible, in order to avoid abortive further work and unnecessary cost to the LPA. In the first instance this is likely to involve writing to the LPA to ask for further explanation or information."

Given the Inspector's conclusion regarding the DtC and that she has fixed views on the evidence the Council needed to present to demonstrate it had been both "proactive" and "effective" in discharging the DtC, it is hard to understand why the Inspector did not share her concerns with the Council prior the Matters, Issues and Questions (MIQs) being issued and hearings being arranged. Para 3 of her Letter makes it clear that the Inspector considered the need to split the examination hearing in two parts due to "some fundamental issues, including the DtC, that required testing before I could be confident that I could move to the Stage 2 hearings". However, the PPG and Procedure Guidance are clear that given the Inspector had early concerns relating to the DtC, these should have been shared with the Council prior to the hearings. They were not. Instead, significant examination time was spent on other matters that the Inspector said she had concerns about (such as Sustainability Appraisal, Vision & Objectives, Spatial Strategy, Housing, Transport and Flood Risk). This was at significant cost not only to the Council but to other participants, which it is now clear was needless. Furthermore, the PPG<sup>12</sup> is clear that should early issues be identified, "the Inspector will give the local planning authority every opportunity to respond to any concerns and address key issues that may lead the Inspector to conclude that the plan is not sound or that a legal requirement has not been met." The Inspector has made assumptions relating to DtC that go to the heart of the conclusions she has reached. These include:

- At para 34, the Letter notes that the "principle of [Crawley] having substantial unmet needs has been known prior to and throughout the preparation of Mid-Sussex's Plan" and that "This situation is unlikely to change in the future". The latter observation is wrong: prior to the identification of the water neutrality issue Horsham had been proposing to contribute some 2,500 homes towards Crawley's needs. It is only water neutrality which now prevents it from doing this. Even if the date by which a solution will be identified is not certain, water neutrality is not an insoluble problem. This is not acknowledged at para 43 despite Horsham's emerging plan currently being at examination, with the impact of water neutrality on its ability to meet its own needs and the needs of its neighbours is one of the issues being examined.
- Para 38 of the Letter complains that the Inspector was not provided with earlier iterations of the SoCG, but these are not something she ever requested. Copies (including the SoCG submitted to the examination of the Crawley Local Plan) could have been provided if requested.
- The Inspector's "interpretation" of Crawley's Regulation 19 response in her Letter (para 39). Representatives of Crawley Borough Council were present at the hearing sessions, and had the Inspector wanted to know whether her interpretation was correct, she could (and should) have asked them. She did not do so.
- Para 61 of the Letter states: "I note concerns were raised in early 2023 by Crawley that, in the absence of an active WGSB, other authorities should be invited to the NWSHMA to, 'demonstrate that the NWS authorities are not just looking inwardly at the NWSHMA but are actively pursuing and awaiting engagement from the Coastal Authorities.' As far as I am aware this has not been done." This is a clear misinterpretation of the minutes, which state that "we will

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<sup>12</sup> Paragraph: 055 Reference ID: 61-055-20190315 <https://www.gov.uk/guidance/plan-making#plan-examinations>

need to be clear why coastal authorities are not invited to NWS discussions” and that the NWS authorities had actively pursued further engagement which had not been reciprocated by the coastal authorities. Nowhere in the minutes does it suggest that this was an action. Moreover, even if that was a tenable interpretation, the Inspector does not explain why responsibility for it lay at the Council’s door.

- Para 72 of the Letter states that: “during the meeting [in mid-2022] B & H [Brighton and Hove] set out its concerns, regarding the NWSHMA’s [North West Sussex Housing Market Area] hierarchical approach to unmet needs. B & H also expressed concerns as to whether all options were being explored to optimise the potential for housing. As far as I can gather these points were dismissed without constructive dialogue or any otherwise meaningful exploration of the issues.” Brighton & Hove’s concerns were not “dismissed”: they were responded to both during the meeting and in writing afterwards, by highlighting the findings of the evidence base. As set out in the December 2022 meeting minutes between the two authorities, Brighton & Hove subsequently agreed that they had reviewed the evidence base and considered it to be extensive and had no specific questions arising. Brighton & Hove thereafter raised no concern about these points in (a) their Regulation 19 response (b) the SoCG or (c) at the hearing itself. Had the Inspector complied with the PPG, and given the Council every opportunity to respond, then it would not have been necessary to make these assumptions.

## **Issue 2: The Inspector’s behaviour at the examination hearings**

The Procedure Guidance summarises how it expects examination hearings to be undertaken (emphasis added):

“5.11. On the first day, the Inspector will make a brief opening statement, setting out the purpose and format of the hearing sessions as well as explaining the potential outcomes of the examination and any other relevant procedural and administrative matters. Thereafter, each hearing session will follow the agenda or the list of issues and questions, set by the Inspector.”

5.12. In keeping with the inquisitorial nature of the examination, the Inspector will control the proceedings, inviting contributions from individual participants as appropriate. The Inspector will draw participants into the discussion in a logical order, reflecting their likely contributions. The LPA will be invited to respond at appropriate points. During the hearings the Inspector will explore the issues and questions, and wherever possible will seek to identify the potential for MMs to make the plan sound and legally compliant (see Section 6 below). When discussion on an issue has reached the point at which no more is likely to be said to assist the Inspector’s conclusions on soundness, the Inspector will move on to explore the next issue.”

In addition, the Procedure Guidance sets out the preparation Inspector’s will undertake in advance of the hearing sessions, to facilitate the sessions running as smoothly as possible and to maximise the contributions from participants given the limited time available (emphasis added):

“4.3. The Inspector will review the list of matters, issues and questions for the hearings in the light of the written material submitted. The Inspector may consider that certain issues have been sufficiently clarified by written statements or may wish to vary the order of the questions or raise additional ones. The Inspector may prepare an agenda or a revised list of issues and questions for each hearing session setting out these changes. Wherever possible the PO will make these available to participants in advance of the sessions.



4.4. The Inspector's agenda, or list of issues and questions, will provide the structure for the discussion at each hearing session. In some cases, the Inspector may circulate a discussion note in advance of the relevant hearing session, if this would help to clarify one or more issues.”

More broadly, the Procedure Guidance sets out its expectations regarding the conduct of all parties during the examination. It confirms that the Inspector will ensure that all participants are given a fair opportunity to express their views (para 9.17) and that the Inspector will work proactively with the LPA at all times of the examination (para 9.19).

These expectations are in addition to the Code where it requires the Inspector to behave with courtesy, patience and understanding.

During the examination hearings, the Inspector regularly and consistently exhibited behaviour which meant she neither complied with the Code or the Procedure Guidance. Examples of this include:

- **Excluding participants from actively engaging in the examination hearings.** The Inspector was critical on several occasions of Counsel, often did not want to hear from them and was dismissive of their input<sup>13</sup>. This extended to the Council's Counsel, despite para 5.17 of the Procedure Guidance articulating the benefits of local authorities having their own legal advocates at examination hearings<sup>14</sup>. For example, prior to the opening of the Examination the Inspector expressed the view that the Council's opening statement should not be delivered by Counsel, and only relented from this position once told that the Counsel's barrister had already written an opening statement, because she “did not want to die in a ditch” over this. After introducing herself, the Inspector's opening comments on the first day of the Examination were that she noted there were a number of “legal eagles” in the room, “but I'm sure that they need no reminding that they are mere mortals in the context of this examination”. The Inspector's language and tone excluded a number of participants attending the hearing including individuals and Parish Councils who then did not make any contributions. Following the hearing, some of the participants advised the Council that they felt too uncomfortable raising the points they had wished to due to the adversarial nature of questioning by the Inspector. On occasion, the Inspector was surprised that other participants were content with the Council's approach<sup>15</sup>.
- **Speaking critically of the Council in front of other participants.** As you will be aware, getting a plan to Independent Examination requires a considerable amount of effort and work by officers and Members alike. The Council takes its plan-making obligations seriously (reflected in the Plan being the third development plan document the Council has submitted for Independent Examination in the last seven years). Notwithstanding this, the Inspector was critical of the work undertaken by the Council and lacked pragmatism in her approach. This led to officers feeling that they were in the wrong/being told off<sup>16</sup> and being held to a higher standard than other neighbouring authorities. The Inspector continues this approach in the Letter, with particular grievances and criticism about the dates of final documents (such as completed Statements of Common Ground) were submitted to her despite the Council informing the Planning Inspectorate and Inspector (via the Programme Officer) of estimated completion dates at the time of submission.

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<sup>13</sup> Appendix A: 1-3, 2-8, 2-21, 2-33, 2-36, 2-42, 4-14

<sup>14</sup> 5.17. It is often particularly helpful for the LPA to be assisted by a legal advocate. Their familiarity with presenting cases can prove useful in reviewing the adequacy and appropriateness of the LPA's evidence base and marshalling the evidence to assist the Inspector.

<sup>15</sup> Appendix A: 4-6

<sup>16</sup> Appendix A: Numerous, including 1-9, 1-32, 2-38, 3-5, 3-11, 5-7, 6-4



Despite the Council's excellent track record in adopting plans and the vast experience in the team in preparing and defending them at examination, officers had never experienced an examination held in this manner before. Regardless of the quality of the Plan (which the Council continues to believe is robust and sound), the Inspector did not need to communicate her queries in this manner. In doing so, she undermined the Council's reputation in front of developers, Town and Parish Councils and members of the public. It has also undermined the District Councillor's confidence in the plan-making process.

- **Summarising back what the Council had said but misrepresenting its views.** The Inspector regularly sought to conclude discussions on matters by summarising back to the Council its position. Whilst in principle this is not a bad approach and ensures the Inspector has understood the point being made, the pejorative way that the Inspector did this, meant that her summary was often inaccurate, it came across as impatient and belied a pre-determined view of the work the Council had undertaken. This combined with the Inspector often not allowing the Council to correct the summary provided<sup>17</sup>, led to the Council not feeling listened to at the hearings. In relation to the DtC, had an alternative approach been taken, this could have materially altered the conclusions reached by the Inspector.
- **Stopping the Council from responding to points raised by participants.** The Procedure Guidance (para 5.12) is clear that the Council should be provided the opportunity to respond at appropriate points in the hearing. Whilst it is at the discretion of the Inspector as to how to do this, typically Inspectors will give the Council the final right of reply on any points raised by participants. During the hearings, the Inspector often did not invite the Council to come back on points raised by other participants; instead their points were taken as read and the hearing moved on to the next question. When asked to respond to queries, the Council were frequently cut-off mid explanation without being afforded the opportunity to complete its answer. The Inspector instead wanting yes/no responses without any additional context. The Council's representatives consistently felt they were not being able to fairly put across their case. This approach is prejudicial to the Council. Had the Inspector concluded the DtC had been met, such an approach would likely have negatively affected the Inspector's view on the soundness of the Plan.
- **Exhibiting poor conduct.** The manner and tone in which the Inspector asked questions was adversarial, which is not consistent with the Code or Procedure Guide. As noted above, the Inspector frequently cut-off participants mid-sentence, displayed negative body language when listening to responses, and at one point admitted she had "switched off" whilst the Council's Counsel was responding to a question<sup>18</sup>. The Inspector made remarks such as being tetchy because she "needs some food"<sup>19</sup> and that she is "not a morning person"<sup>20</sup>. Despite clearly stating on Day 1 that omission sites would not be considered, which is consistent with the Procedure Guide, the Inspector frequently asked queries about specific omission sites<sup>21</sup>. This included on at least one occasion, the Inspector realising the error of her ways and retracting the question.

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<sup>17</sup> Appendix A: 1-8

<sup>18</sup> Appendix A: 4-17

<sup>19</sup> Appendix A: 1-21

<sup>20</sup> Appendix A: 1-34

<sup>21</sup> Appendix A: 1-2

- **Leading unstructured and confusing hearing sessions.** Paragraphs 4.3, 4.4 and 5.11 of the Procedure Guidance provide discretion to Inspector's on their approach to agendas and structuring of hearing sessions. Notwithstanding that, it is clear from the Procedure Guidance that the Inspector is expected to clearly lead the sessions and wherever possible provide further clarity on those issues which will be the subject of the hearing discussion in advance. No substantial agendas were issued in advance of the hearings and questions from the Inspector in the Examination often did not correspond with the MIQs<sup>22</sup>. Whilst it is typical to discuss matters that were not raised in the MIQs, the queries were often very technical and/or on distinctly different subject matters<sup>23</sup>. This made it difficult for the Council to prepare for the sessions and to ensure it had any specialist expertise to hand (including expert consultant support). Furthermore, the Council was unaware of other participants positions on such questions as there were no hearing statements on these points. The result of this was the Inspector being critical that the Council could not answer her queries<sup>24</sup> and was reluctant for the Council to clarify in a post-hearing note. In addition, the Inspector's train of thought was often difficult to follow<sup>25</sup> and often darted between different questions and subject matters which made the session hard to follow for participants and observers. She rarely referred to document reference numbers/paras to aid the Council and participants in understanding and responding to her queries. This hindered both the Council and participants ability to contribute in the most effective way to the examination hearings.

### **Issue 3: Timescales for the Inspector reaching her decisions**

The Code is clear that decision-makers (in this case the Inspector) “must avoid unnecessary delay in reaching decisions and recommendations”; and that where not governed by a statutory timetable (as is the case for local plan examinations), decision-makers “should make every reasonable effort to ensure that decisions and recommendations are made as soon as possible after the relevant evidence has been considered”.

During the examination hearings, the Inspector made it clear that following Minister Pennycook's letter dated 30 July 2024<sup>26</sup>, the Council needed to progress its follow-up work (named Action Points) at pace, stating ‘time is of the essence’. She asked the Council to ‘ensure everything is done as quickly as possible’. At the final hearing session on 31 October 2024 (which was a specific session for the Inspector to discuss next steps with the Council), the Council estimated that all Action Points would be completed well before Christmas and that it was working to submit these as quickly as possible.

The Council took the action to prepare a programme for each Action Point to enable the Inspector to effectively plan her time. In preparing this programme, the Council took into account that the Inspector was due to be on annual leave from 14 December 2024 until 11 January 2025; and that the additional work needed to be with the Inspector well before her leave to enable her to consider and factor it into her conclusions regarding the Stage 1 hearings. The Council worked tirelessly to meet this deadline under the impression from the Inspector that meeting it would mean receiving a letter either before Christmas or shortly thereafter, with the aim of returning to Stage 2 hearings in spring. In reality, the Council did not receive the Letter from the Inspector until April 2025.

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<sup>22</sup> Appendix A: 2-1

<sup>23</sup> Appendix A: 2-37, 4-11

<sup>24</sup> Appendix A: 4-11

<sup>25</sup> Appendix A: 1-22, 1-27, 1-30, 2-4,2-13,2-16 , 2-35, 2-40

<sup>26</sup> <https://assets.publishing.service.gov.uk/media/66aa157b0808eaf43b50dad5/minister-pennycook-to-chief-executive-of-planning-inspectorate.pdf>

The Council also sought approval from the Inspector on the detailed interpretation of the Action Points to ensure any further information met her needs. This in itself took five working days for the Inspector to confirm, a significant amount of time given the tight timescale the Council was working to.

In accordance with the programme for the Action Points, the Council drip-fed the Action Point responses to the Inspector. All but one Action Point response was sent by the end of November, with the remaining one sent on 6 December 2024. The Council therefore met its commitment to complete the work well ahead of Christmas and responded to the Inspector's request to complete the Actions Points as quickly as possible.

In contrast, it took over five months for the Council to receive the Inspector's findings from Stage 1. In addition to this:

- The Council did not have any meaningful correspondence from the Inspector since the end of October 2024 aside from a request for clarification on one Action Point response and a note via the Programme Officer on 5 March 2025 to say her letter was with the Ministry. Given the lack of correspondence from the Inspector, the Council decided it needed to make enquiries to Chief Planning Inspector at the Inspectorate on 28th January 2025, as to the progress of the examination.
- There was a significant amount of time between the Council sending Action Points to the Inspector and receiving confirmation from the Inspector (via the Programme Officer) that they could be published - in some cases nearly a two-week gap. This delay reflects poorly on the Council and its ability to demonstrate it is actively seeking to progress the examination of the Plan.
- One Action Point was subject to consultation, which concluded on 6 December. Half of the responses received did not relate to the subject of the Action Point and therefore should have been returned by the Inspector. However, to date, the Council has not received any clarity from the Inspector on the status of these submissions despite repeated requests to her via the Programme Officer. As a result, the responses to the consultation have still not been published on the website. Again, this reflects poorly on the Council and the expectation that information is available in a timely fashion on the Council's website. Furthermore, since the Inspector has not provided clarity on the regard given to the consultation responses, the Council is concerned that she is placing weight on those responses from participants who did not answer the question. If this is the case, this means participants have been allowed to raise objections to the Inspector which are not related to the Action Point, which is a clear breach of proper process and demonstrates bias towards the views of those participants (as the expense of the Council and other participants). It is also contradictory to the treatment the Council received on Action Point AP-001 whereby the Inspector asked for it to be rewritten since, in her view, it did not answer the question (this in itself was a conclusion the Council disagreed with).

It is unclear the cause of the excessive delay to the Inspector making her decision.

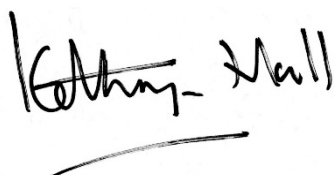
## **Conclusions**

As indicated throughout this letter, the Council takes its plan-making responsibilities very seriously and has an excellent track record in producing and adopting Plans. The conduct by the Inspector during the examination of the Plan has caused the Council great concern and has left us no choice but to raise this complaint.

We note that your complaints procedure provides no timescale for a response. Given the time sensitive nature of our complaint, we request that you respond to it within 14 days.

Should you require any further information to progress your investigation into our complaint, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kathryn Hall', with a horizontal line drawn underneath it.

Kathryn Hall  
Chief Executive

## Appendix A – Stage 1 Hearings: Conduct Examples

Examples that are referenced in the body of this letter are highlighted in green.

### Mid Sussex District Council Representatives

- Paul Brown KC
- Andrew Marsh – Head of Planning Policy and Housing Enabling
- Alice Henstock – Principal Planning Officer
- Natalie Sharp – Senior Planning Officer
- Estelle Maisonnial – Senior Planning Officer
- Chloe Salisbury (Arup) – District Plan Advisor

### Day 1 (AM & PM) – Matter 1: Legal Compliance, Sustainability Appraisal and Habitats Regulation Assessment

<https://www.youtube.com/watch?v=14sWFX0QJPM>

Ref	Category	Time	Issue	Notes
1-1	Poor Conduct	<a href="#">1:08</a>	Gets muddled on the name of the Plan “In the future I’ll just call it the plan because it means we’ll save at least a quarter of the time of the hearing if we do that”	
1-2	Poor Conduct	<a href="#">5:44</a> <a href="#">1:39:24</a> <a href="#">1:41:33</a> <a href="#">1:53:56</a> <a href="#">2:48:54</a>	“Should stress that I will not be considering the merits of any omission sites” “I don’t want to pick up on omission sites but I will in this particular case....no I won’t actually” “I’m going to point on just a random one, there’s a site in East Grinstead 45 dwellings, I think it’s site 391....” “what about the golf course at Haywards Heath....”[...] “obviously I don’t want to go into specific detail of sites but I’m just trying to play these ideas in my mind’s eye and if anybody wanted to interject I’d be very appreciative of any help from that” “I don’t want to mention it but the Ansty site..”	

Ref	Category	Time	Issue	Notes
1-3	Poor Conduct	<a href="#">10:25</a>	“Notice I have the... <i>pleasure</i> ...of a number of legal eagles but I’m sure they need no reminding that they are mere mortals”	Dismissive tone of voice. Contrary to Procedure Guidance which states that Counsel would be beneficial.
1-4	Poor Conduct	<a href="#">14:17</a>	Not here to make the plan ‘better’	Subsequently requests a series of modifications during hearings that are not soundness related (e.g. wanting to change policy numbering as the Inspector finds them confusing – see 1-33).
1-5	Poor Conduct	<a href="#">40:04</a>	Confusion as to why Policy DP5 is no longer referred to in the current adopted Local Development Scheme and future iterations of the plan. Questions A. Henstock further and in a rude tone of voice states “you can make my life easier if you can say yes”	
1-6	Not Giving Council a chance to respond	<a href="#">42:19</a>	Presses A. Marsh further on Local Development Scheme point and when he directs the Inspector to where she can view this in the evidence she replies “I don’t want to view, just give me a very brief overview of what things changed”	This is a typical response from the Inspector. The Council is trying to explain the answer in a logical fashion but being interrupted before having a chance to complete the answer, then pushed for a yes/no response.
1-7	Critical of the Council	<a href="#">44:27</a>	Misunderstanding Council’s response on the scope of the plan in addressing unmet need.	
1-8	Not Giving Council a chance to respond	<a href="#">49:45</a>	Does not allow Council to respond - “I’m sure the council will say yes so I’m not going to ask them to say yes again”.	
1-9	Critical of the Council	<a href="#">51:30</a>	Takes issue with the amount of documentation post submission.	Note that PINS agreed that some documents could follow after

Ref	Category	Time	Issue	Notes
				submission (e.g. SoCGs that were agreed but waiting final signatures) and all were provided promptly. Only a small proportion of the evidence base was sent post-submission, by agreement.
1-10	Excluding Participants	<a href="#">1:31:25</a>	Interjects response from participant.	
1-11	Poor Conduct	<a href="#">1:55:15</a>	Asks participants to make Inspector aware when her microphone is not on.	
1-12	Unstructured/ Confusing	<a href="#">1:55:35</a>	Confusion on 20 minute neighbourhoods.	
1-13	Critical of the Council	<a href="#">2:18:56</a>	"I'm sure it must be a typo because otherwise it just does not make sense at all".	
1-14	Critical of the Council	<a href="#">2:22:01</a>	Confusion on applying densities – "this might be an action point please I think, just to get you to clarify what your approach is towards density because to be brutally honest I haven't got a clue, it just doesn't make any sense to me whatsoever" ( <a href="#">2:22:38</a> )	
1-15	Not Giving Council a chance to respond	<a href="#">2:22:51</a>	Interjects C. Salisbury and does not allow council to respond.	
1-16	Critical of the Council	<a href="#">2:34:07</a>	Need something to make sense of p38 (Sustainability Appraisal) as "it makes no sense to me whatsoever".	
1-17	Not Giving Council a chance to respond	<a href="#">2:40:11</a> <a href="#">2:40:56</a>	Interjects A. Marsh response on two occasions – "let's forget about the recalculation of the supply because that is within my gift anyway, let's face it".	



Ref	Category	Time	Issue	Notes
1-18	Poor Conduct	<a href="#">2:41:28</a>	"I'm always willing to be told I'm wrong because it's always good to be told you're wrong because we all want to be humble don't we, as we said...".	
1-19	Not Giving Council a chance to respond	<a href="#">2:46</a>	Pushing for a yes/no answer in relation to flood risk, and use of up-to-date data.	
1-20	Not Giving Council a chance to respond	<a href="#">2:47:44</a>	Interjects A. Marsh response.	
1-21	Poor Conduct	<a href="#">2:48:30</a>	"Need some food, you can tell I'm getting tetchy, I do apologise".	
1-22	Unstructured/ Confusing	<a href="#">2:57:08</a>	Response unclear in asking to test further options to increase density - "you'll obviously be relooking at your text in relation to density [...] because as I say, to me it seems that [...] you have got a policy whereby your 20 minute neighbourhood is predicated on everything being together [...] yet you say that dense development on the whole is a bad thing [...] I want you to be able to provide me with something that makes a coherent riposte. [...] Give you the chance to put something rational together".	
1-23	Poor Conduct	<a href="#">2:57:55</a>	"Apparently people like it when Inspectors talk out loud, I don't know whether it's true or not but I'm going with it".	
1-24	Critical of the Council	<a href="#">2:58:14</a>	20 minute neighbourhoods discussion revisited – "I want you to be able to provide me with something that makes a coherent riposte to my crude potential misunderstanding of your approach".	
1-25	Critical of the Council	<a href="#">2:59:13</a>	"I just want to give you the chance to put something rational together...because, well you've agreed that is in this document....there's a whole sentence that doesn't really actually agree with what you were actually meaning to say... seems to be quite fair enough for me to give you the chance to put something together".	

Ref	Category	Time	Issue	Notes
1-26	Critical of the Council	<a href="#">4:01:11</a>	“As much in this Plan its always slightly obtuse” (in relation to Habitats Regulation Assessment and Natural England position). Requests further confirmation (in addition to already signed Statement of Common Ground) that Natural England is happy with the Habitats Regulations Assessment.	
1-27	Unstructured/ Confusing	<a href="#">4:03:32</a>	Incoherent sentence - “employment again, retail, leisure and other commercial development, not worried about that, infrastructure for transport clearly that is a very much an iterative process, now whether it should be iterative at this stage in the game is a moot point”.	
1-28	Unstructured/ Confusing	<a href="#">4:05:39</a>	Revisits flood risk assessment point. Council having to repeat their response.	
1-29	Critical of the Council	<a href="#">4:07:02</a>	Repetitive probing of heritage evidence. Questions whether a positive strategy for heritage should be provided. “Is there a heritage document like lots of plans do, I’m not saying that I always want to have lots of documentation because no one wants lots of documentation but normally there is a heritage study”.	
1-30	Unstructured/ Confusing	<a href="#">4:08:18</a>	Jumps to talking about Sustainability Appraisal/heritage point – “I shouldn’t really be doing this but going back to the SA” ( <a href="#">4:09:09</a> ).	
1-31	Unstructured/ Confusing; Critical of the Council	<a href="#">4:09:59</a>	Darts to certain representations made – “Sports England made a rep...”. Repeatedly probes the Council that there has been no evidence produced on sport despite the Council responding that an open space and recreation study has been undertaken. “am I right, tell me if I am wrong?” ( <a href="#">4:11</a> ).	
1-32	Critical of the Council	<a href="#">4:15:59</a>	“The IDP, that’s one of those iterative evidence based, I think we like to call them, well I don’t like to call them actually I prefer it to have an evidence base when you submit the plan but again that has changed substantively since the plan went out for publication”.	
1-33	Poor Conduct	<a href="#">4:17:15</a>	“The DPS3s, sorry when you have these sites and you call them DPSC I think is that right, can we have a short hand for that because I would get it wrong and it’s going to be a nightmare when I write my report because	A subsequent Action Point was requested – the Council explained the numbering system

Ref	Category	Time	Issue	Notes
			no one will ever be able to sort of check it, if you could do some rejig of that, not that it would be a main mod but it would actually be really, really helpful”.	to aid readability and that it was not confusing.
1-34	Poor Conduct	<a href="#">4:49:01</a>	“We will reconvene at 10am, I’m afraid I’m not an early person”	

## Day 2 (AM) – Matter 2: Duty to Co-Operate

[https://www.youtube.com/watch?v=-I\\_0SRX0WI](https://www.youtube.com/watch?v=-I_0SRX0WI)

Ref	Category	Time	Issue	Notes
2-1	Critical of the Council	<a href="#">7:46</a>	Inspector said that on the whole not many people get their statements of common ground in on the day. But the Inspector says she thought they were just about there. The Inspector says Council's website shows some of the statements of common ground were considerably later – and this is something that she has to consider the relevance of. The Inspector goes on to say she will park it as it is a matter of fact rather than something she has to consider in detail.	We asked PINS before submission advice on submitting the Plan without some SoCG's. PINS confirmed this was acceptable. In hearing session Day 1 Inspector confirmed that she had said 'that's fine' regarding the late submission and confirmed it was not an unusual situation.
2-2	Poor Conduct	<a href="#">10:23</a>	"Given that we have all these lawyers I want to make sure that no-one says I'm doing it wrongly – so far at least."	
2-3	Poor Conduct	<a href="#">20:33</a>	Sorry I'm still struggling, erm, you as Mr Brown has previously intimated ... I will go in more detail later, but you're just saying that no-one's bothered having a SoCG with them because it's all too difficult or something". Interrupts Council response. "Role is to deal with the thorny issue". Inspector says she may ask for a note on that as it seems quite fundamental of dealing with a thorny issue.	Interrupts and gives incorrect summary of Councils position.
2-4	Unstructured/ Confusing	<a href="#">25:40</a>	A bit of confusion. Inspector apologies for getting rid of [question?] 22 and is moving on to [question?] 23. Then more confusion about which question she will be discussing next.	Appears disorganised and unsure of her agenda.
2-5	Critical of the Council	<a href="#">42:33</a>	"but that's not really the point is it to be fair, the point is what did you try to do to help them..."	
2-6	Poor Conduct	<a href="#">44:59</a>	Interrupts the Council in its response – "I'll come on to that in a minute."	
2-7	Critical of the Council	<a href="#">48:07</a>	Inspector "You look at me as though I'm mad." [PBKC says not out of date if no change in circumstance]. Inspector queries date of study, and making judgement	The Inspector is making assumptions on Councils evidence without listening to full explanation/understanding. Just focused on the date of evidence.

Ref	Category	Time	Issue	Notes
2-8	Excluding Participants	<a href="#">1:13:18</a> - <a href="#">1:17:54</a>	C.Boyle KC clearly sets out (and supports) the Council's capacity based approach to site selection and how it accords with the Duty to Co-Operate. The Inspector appears disinterested, reluctant to listen to the crucial point being made and does not take a note of what is being said.	
2-9	Critical of the Council	<a href="#">1:32:10</a>	"Do you really think that credible, sorry,..." " ..surely there must be more to it than that" in response to the Council's explanation.	Dismissive of the Council response. Subsequently other participants confirm agreement with the point made by the Council, by reference to recent Inspector's Report at Crawley on this specific matter ( <a href="#">1:46:13</a> ).
2-10	Excluding Participants	<a href="#">1:43:12</a> – <a href="#">1:46:13</a>	"I'm not that scary am I? I know I haven't had my lunch". R. Warren KC points towards previous decisions that are consistent with the position in Mid Sussex, and that weight should be afforded to SoCG. Inspector appears to disregard the weight that should be afforded to them which is inconsistent with previous comments.	
2-11	Pre-determined view	<a href="#">1:53:01</a>	" ..enough evidence to satisfy someone who might be a cynic"	

## Day 2 (PM) – Matter 3: Vision, Objectives and Spatial Strategy

[https://www.youtube.com/watch?v=-I\\_0SRX0WI](https://www.youtube.com/watch?v=-I_0SRX0WI)

Ref	Category	Time	Issue	Notes
2-12	Critical of the Council	<a href="#">4:05:50</a>	“You see you didn’t think it remained valid because you wanted to make changes to it” [District Plan objectives]	
2-13	Unstructured/ Confusing	<a href="#">4:08:57</a>	Confusion about which question is being discussed – “my numbers have all gone wrong.”	Appears disorganised and unsure of her agenda.
2-14	Unstructured / Confusing Poor conduct	<a href="#">4:11:20</a>	Inspector ‘posits’ a hypothesis – “if the doomsday scenario were to come forward and the plan were to be budged [...] what would the Council’s approach be and how would the Council react to my putting forward a main modification not to 2040 but to 2041. In principle is that something you would accept because clearly that have ramifications for housing figures however, something that I’ve always don’t quite ever understand why people don’t appreciate that, clearly you don’t have to provide all housing to meet your housing need.”	
2-15	Critical of the Council Poor conduct	<a href="#">4:16:02</a>  <a href="#">4:29:06</a>  <a href="#">4:34:35</a>  <a href="#">4:37:07</a>	<p>“As far as I can see there is no actual explicit [spatial] strategy in the plan as submitted. You have four principles, is there an overall spatial strategy which sets out the pattern, scale, design and quality of places and makes sufficient provision or is it something that one is to sort of assume from the various elements of the plan”.</p> <p>“Most plans, I think to be fair, have got a strategy plan which gives everyone a clear understanding [...] It’s, you know, bread and butter local plans”</p> <p>Asks P. Brown KC: “That’s not really a policy is it [...] you say you could sort of put it in a box and it’ll become a policy [...] isn’t the issue that the word spatial comes into play and don’t you need a spatial strategy so you can have a strategy”</p>	

Ref	Category	Time	Issue	Notes
			"I appreciate your point Mr Brown that it's a strategy but it's not a spatial strategy as far as I can see and I maybe, if someone wants to tell me I'm wrong please do so now rather than ..."	
2-16	Critical of the Council Unstructured / Confusing	<a href="#">4:18:40</a>	"If I was a developer or indeed if I were a planning inspector, I am a planning inspector, please don't worry, [...] because it's always very useful in my opinion [...] to have a nice strategy [...] so how would this help me and does anybody think it would"	
2-17	Poor conduct	<a href="#">4:35:35</a>  <a href="#">4:36:04</a>	"I'm sure all these clever people around this table would be able to argue the toss one way or other"  "I mean I'm sure as I say you're all very clever and I'm sure you'd all be able to argue the toss one way or t'other ... I don't know ... does anybody else want to come in on this?"	
2-18	Unstructured / Confusing Poor conduct	<a href="#">4:41:46</a>	"and let's not beat around the bush, you've got Mid Sussex which is like a Neapolitan ice-cream or whatever it is, I don't know how many, or is there three or whatever ... whatever you are, you have that girth in the middle which is between the National Landscape in the north and the South Downs so that's your issue."	
2-19	Poor conduct	<a href="#">4:43:00</a>	"I don't want to prejudge the site allocation process because it may well be that Mr Spry's site is a fabulous site and it could be brought forward separately from the strategy. I mean, I'm saying it may well be, I'm not saying it is ... [laughter], but what I'm saying is, I'm not prejudging necessarily how all the development would come"	
2-20	Unstructured / Confusing	<a href="#">4:43:39</a>	"you have so many elements within these first few pages, all this information and it's all coming at different angles and it's quite difficult to come to terms with what it actually means. I don't know if anyone else, does that resonate with anyone?"	
2-21	Excluding Participants Poor conduct	<a href="#">4:44:46</a>	C. Boyle KC wants to ask the Inspector a question to see if he has correctly understood her concern and then he might be able to address it. The Inspector responds that he is not supposed to ask her questions. C. Boyle KC continues and is interrupted by the Inspector with "I don't want observations I want you to just answer my question".	



Ref	Category	Time	Issue	Notes
2-22	Poor conduct	<a href="#">4:47:47</a>	"I will be asking them [the Council] to make a main mod to make a spatial strategy, what that main mod will be clearly is up to me as a planning inspector, as we've already established, I am a planning inspector right at the begin, well at the beginning of this afternoon session".	
2-23	Pre-Determined views	<a href="#">4:51:43</a>	"I imagine the Council would say [...] is that correct? Whether that's correct or not is a moot point but I just want to clarify that's your approach."	
2-24	Pre-Determined views Poor conduct	<a href="#">4:52:15</a>	"Would you say this strategy is positively prepared? Sorry I don't know why, I'm not 100% sure why I've said that, ignore me on that point, but it's, yeah, ignore me on that one point."	
2-25	Pre-Determined views Poor conduct	<a href="#">4:52:52</a>	"Unless the Council wants to argue the toss anymore, I think I will go away and consider what I would be wanting you to do, however, as it stands, I don't think that actually it's effective" "Unless the Council wants to argue the toss anymore, I think I will go away and consider what I would be wanting you to do, however, as it stands, I don't think that actually it's effective."	
2-26	Unstructured / Confusing Pre-Determined views	<a href="#">4:59:49</a>	Inspector suggests already looked at questions 35. "35, we've sort of really gone over that again haven't we [...] not to go over old ground, isn't the answer no, but I don't want to prejudge."	Appears disorganised and unsure of her agenda.
2-27	Poor conduct	<a href="#">5:21:16</a>	Inspector says she has been informed by the Programme Officer that she didn't ask people to introduce themselves at the beginning of the session and so asks those speaking to introduce themselves when they respond.	
2-28	Excluding Participants	<a href="#">5:28:52</a> <a href="#">5:38:22</a>	Interrupts response from P. Griffin.	
2-29	Critical of the Council	<a href="#">5:43:29</a>	"Even if the Council falls on its sword and says what we put in this ENV16 is wrong in terms of the specifics, the actual categorisation remains consistent, is that what you're saying?"	

Ref	Category	Time	Issue	Notes
2-30	Excluding Participants	<a href="#">5:43:51</a>	“Mr Gibson you’ve got your toblerone on but I would prefer just to move on”.	
2-31	Not Giving Council a chance to respond Unstructured / Confusing	<a href="#">6:00:04</a> <a href="#">6:04:10</a> <a href="#">6:07:45</a> <a href="#">6:10:50</a> <a href="#">6:18:26</a>	<p>Inspector confused on Council’s position.</p> <p>Inspector interrupts P. Brown KC and remains confused on Council’s position.</p> <p>“deliverable, as in, at that particular time all the belts and braces weren’t, all the T’s and I’s and whatever weren’t in perfect alignment, all the start okay”.</p> <p>“I don’t want to interject here but I am”.</p> <p>“perhaps I’m not being clear that’s what I’ve been whittling on about all afternoon”.</p>	
2-32	Critical of the Council	<a href="#">6:05:00</a>	“and in a perfect world you would have identified it earlier”.	
2-33	Excluding Participants Poor conduct	<a href="#">6:12:42</a>	Inspector interrupts response from C. Boyle KC – “I don’t need to be told the same thing twice okay, once I’ve heard it”.	
2-34	Excluding Participants	<a href="#">6:16:25</a> <a href="#">6:20:08</a> <a href="#">6:27:39</a> <a href="#">6:35:01</a>	<p>Inspector interrupts response from M. Spry and assumes R. Warren KC will agree and make similar response to M. Spry.</p> <p>Inspector interrupts response from J. Pearson.</p> <p>Inspector interrupts response from J. Ashton.</p> <p>Inspector interrupts response from C. Boyle KC.</p>	Consistent interrupting of responses from participants on numerous occasions.
2-35	Unstructured / Confusing	<a href="#">6:23:26</a>	Hard to follow Inspector and the question being asked. Inspector asks M. Spry for assistance.	
2-36	Poor conduct	<a href="#">6:30:37</a>	“I know Mr Boyle you have your toblerone up and I’m not ignoring you yet”.	

Ref	Category	Time	Issue	Notes
2-37	Poor conduct	<a href="#">6:31:02</a>	"I haven't given you sight of my extra questions".	
2-38	Critical of the Council Poor conduct	<a href="#">6:57:35</a>  <a href="#">6:58:25</a>	"I'm afraid the time has come for me to take that plunge and with the good grace of Charlotte I eventually got this 20 minute neighbourhood on the website".  "what's so great about the 20 minute neighbourhood".	
2-39	Poor conduct Not Giving Council a chance to respond	<a href="#">6:59:18</a>  <a href="#">7:00:00</a>	Inspector interrupts A. Marsh saying "isn't it your Plan".  Inspector interrupts A. Marsh - "Sorry I feel as though I may have gone past the 5 o'clock threshold here, the cut off point."	
2-40	Unstructured/ confusing	<a href="#">7:09:53</a>	"It might be time for Mr Spry or Mr Boyle, no Mr Marsh, it's your Plan isn't it, help me".	
2-41	Unstructured/ confusing	<a href="#">7:12:30</a>	Inspector struggling to understand 20-minute neighbourhood principle and struggles to pose a question.	
2-42	Poor conduct	<a href="#">7:30:24</a>	C. Boyle KC says he has an objection to the Council. Inspector responds: "Oh, that's good, I like to think there's a reason for you being here rather than supporting this".	
2-43	Poor conduct	<a href="#">7:32:21</a>	"We've obviously done this to death".	
2-44	Unstructured/ confusing	<a href="#">7:34:01</a>	P. Brown KC tries to clarify action points as Inspector unclear.	

## Day 3 (AM & PM) – Matter 4: Transport

<https://www.youtube.com/watch?v=Eq3siDzZ8eE>

Ref	Category	Time	Issue	Notes
3-1	Unstructured / Confusing Poor Conduct	<a href="#">5:48</a>	“Please don’t hesitate to say something, as I know it’s quite an intimidating process”.	
3-2	Excluding participants	<a href="#">6:30</a>	Inspector asks A. Hurst, Twineham Parish Council if she wanted to say something. Inspector said not at this time and then repeated the question.	
3-3	Unstructured / Confusing	<a href="#">23:05</a>	Hard to follow what the Inspector is saying about urban and rural areas.	
3-4	Poor Conduct	<a href="#">25:25</a>	Mispronunciation of K. Bown, National Highways.	This happened repeatedly despite Mr Bown providing the pronunciation of his name.
3-5	Critical of Council	<a href="#">28:00</a>	“On the basis that when the Plan was submitted, I believe there was some transport evidence that was allegedly going to come back, you were having a meeting or something the next week, I think that was the quote that I was given, and I should, and then it should be more or less resolved by then, that is, helpful but not necessarily reassuring.”	
3-6	Poor Conduct	<a href="#">43:27</a>	Interrupted C. Boyle KC when he referred to ‘expert witness’. “We don’t have witnesses, we have participants.”	
3-7	Poor Conduct	Through-out	Refers to ‘Highway Representative’ instead of K.Bown.	
3-8	Excluding Participants	<a href="#">59:40</a>	Allowed G. Parfect, WSCC to speak but asked him to “just be brief please” as it was before a break.	
3-9	Excluding Participants	<a href="#">1:30:24</a>	Interrupts G. Parfect as “I am not asking about detail...”.	
3-10	Excluding Participants Poor Conduct	<a href="#">1:38:28</a>	Asks L. Williams, Hurstpierpoint Society to speak after being prompted by another participant that she had missed her.	

Ref	Category	Time	Issue	Notes
3-11	Critical of Council	<a href="#">2:32:00</a>	In response to P. Brown KC explaining the intention of the SoCG, to indicate the worst-case scenario “Mr Brown, I have DPH1 with a sentence which says something completely different than what it actually says...”	
3-12	Critical of Council	<a href="#">2:40:20</a>	“I’ve got various issues with your viability, your infrastructure requirements, but we will talk about them later, I mean sort of like a roof tax really in relation to police etc...”	
3-13	Unstructured / Confusing	<a href="#">2:40:55</a>	“Does anyone have any points that they want to raise with particular reference to this morning because I don’t want to go away and people think that I haven’t heard everything that people want to say.”	
3-14	Unstructured / Confusing	<a href="#">4:02:30</a>	Inspector gives A. Hurst, Twineham Parish Council the opportunity to raise her query and be responded to by an expert.	

## Day 4 (AM & PM) – Matter 6: Housing

<https://www.youtube.com/watch?v=QMb20ue7Y0c>

Ref	Category	Time	Issue	Notes
4-1	Unstructured / Confusing	<a href="#">3:28</a>	Numbering of questions on agenda is incorrect, it says 57 to 61 but it's 57 to 60.	
4-2	Poor conduct	<a href="#">13:19</a>	Interrupts P.Brown KC when answering her two-part question.	
4-3	Poor conduct	<a href="#">20:40</a>	Interrupts P.Brown KC when responding to the point on what informs the housing need figure.	
4-4	Unstructured / Confusing	<a href="#">24:59</a>	Interrupts P.Brown KC causing a disjointed to-ing and froing on clarifying the Council's position.	
4-5	Poor conduct	<a href="#">25:42</a>	Interrupts P.Brown KC when clarifying position on unmet housing needs.	
4-6	Pre-Determined Views	<a href="#">29:50</a>	"I thought there was going to be lots of argy bargy on this".	
4-7	Unstructured / Confusing	<a href="#">37:27</a>	Order of discussion unstructured; went from Gypsies and Travellers back to housing need figure and then back again to Gypsy and Traveller unmet needs.	
4-8	Misinterpretation	<a href="#">39:43</a>	Misrepresentation on Council's position in being able to help with unmet Gypsy and Traveller pitches at Horsham District Council.	
4-9	Poor conduct	<a href="#">40:54</a>	Inspector calls out C.Katkowski KC "you didn't tell me my microphone wasn't on."	
4-10	Misinterpretation	<a href="#">42:28</a>	Incorrect statement on timing of amendment to policy.	
4-11	Poor conduct Critical of Council	<a href="#">42:41</a>	Inspector asks a technical question regarding the assumptions used in methodology of the Strategic Housing Market Assessment. Council does not have consultant at the table to answer to technical question.	Procedure Guidance (para 4.3) states Inspector may provide a revised list of issues and questions...Wherever possible the PO will make these available .....in advance of the sessions.
		<a href="#">45:56</a>	States that "it's a little bit awkward" when there needs to be an Action Point.	
		<a href="#">47:59</a>	"Not particularly happy that I have to sort of defer it".	

Ref	Category	Time	Issue	Notes
4-12	Poor conduct	<a href="#">46:24</a>	Inspector picks on M. Spry saying he looks like he wants to say something but he didn't want to speak.	
4-13	Poor conduct	<a href="#">1:25:03</a>	"well it does and it doesn't really doesn't it".	
4-14	Poor conduct	<a href="#">1:29:13</a>	Interrupts C.Katkowski KC who requests clarification on the 996 [resilience or unmet need]. "I'd prefer if you didn't ask questions, you can make points".	
4-15	Misinterpretation	<a href="#">1:29:27</a>	P.Brown KC required to correct Inspector on current status of the oversupply of housing.	
4-16	Poor conduct	<a href="#">1:46:23</a>	Inspector asks the three neighbouring authorities (BHCC, HDC and CBC) to suggest what their unmet need is as how much they would like Mid Sussex to take.	Officers from BHCC and HDC not in a position to give a figure; risk of prejudicing their own plan-making process.
4-17	Poor conduct	<a href="#">2:23:53</a>	During P.Brown KC response, "sorry I think I sadly switched off during what you were saying I do apologise".	
4-18	Unstructured / Confusing Misinterpretation	<a href="#">2:25:07</a>	"[we're not really going to worry about an unmet need of 10] because it's a balancing, it's not a balance though is it really, that's what I'm trying to get my head around, it's tilted towards bringing in the additional housing needs [...]"	
4-19	Poor conduct	<a href="#">2:28:20</a>	"It's coming to the witching hour isn't it when we all need food".	Setting a tone for not wanting much further discussion.
4-20	Poor conduct	<a href="#">2:31:53</a>	Comments "Good" when R.Warren KC confirms he no longer wishes to speak after putting his name plate down.	
4-21	Poor conduct	<a href="#">2:50:31</a>	"[...] if I tried to go through all of them [remaining questions] I'd probably flag at the end of the sessions".	
4-22	Unstructured / Confusing	<a href="#">3:36:10</a>	Inspector forgot what matter was being discussed, said four rather than six.	
4-23	Poor conduct	<a href="#">3:55:43</a>	"I see Mr Boyle is back at the table and I assume he's here with a purpose".	



## Day 5 (AM) – Matter 5: Flood Risk

<https://www.youtube.com/watch?v=IEuiGixHGfU>

Ref	Category	Time	Issue	Notes
5-1	Pre-Determined Views	<a href="#">9:28</a>	'Could you argue it was a 'happy coincidence' rather than anything else, that this was the case'.	
5-2	Unstructured/ Confusing	<a href="#">23:51</a> – <a href="#">26:49</a>	In reference to p. 160 of the Framework 'Would a local area necessarily equate to a site or would it equate to a wider area?'.  'So in terms of historic evidence should that be provided as cumulative evidence?'.	Hard to follow series of questions about cumulative impacts and 'site', 'local' vs 'wider' area.
5-3	Not Giving Council a chance to respond	<a href="#">24:38</a>	Inspector Interrupts A. Marsh to say she is not referring to Sayers Common despite the thread of the questioning pertaining to Sayers Common.	
5-4	Poor Conduct	<a href="#">23:35</a> <a href="#">29:22</a> <a href="#">39:17</a>	Frequent interruptions about speaker introductions.	Through the session the Inspector made frequent interruptions to ask speakers to introduce themselves – this was not the case in any of the previous days.
5-5	Unstructured/ Confusing  Pre-Determined Views  Critical of the Council	<a href="#">41:16</a> – <a href="#">42:00</a>	'In terms of appendix 2 the sites which... could you briefly go... through these sites and reference for example the Haywards Heath site which is less preferred, but it's still proposed allocation that is because you would argue that due to... the sustainability of the site you consider that's sort of 'a price worth paying' is that correct?'.	Confusing line of questioning with pre-determined views about the Council's approach to Site Assessment and Flood Risk



		<a href="#">1:50:53</a>	<p>'In particular areas, it would be very difficult to successfully implement SuDS'.</p> <p>Inspector seems confused over the infiltration capacities of green roofs</p>	
5-11	<p>Poor Conduct</p> <p>Not Giving Council a chance to respond</p>	<a href="#">1:03:29</a>	Inspector interrupts A. Marsh to ask, 'So the water is stuck in the paving?'.	Inspector is misinterpreting A. Marsh's responses whilst pulling faces.
5-12	<p>Not Giving Council a chance to respond</p>	<a href="#">1:04:27</a>	Inspector does not let A. Marsh respond and interrupts him to ask the representative from WILD (Mr. Higginson) to speak instead.	
5-13	<p>Pre-Determined Views</p> <p>Critical of the Council</p>	<a href="#">1:07:09</a>	'In terms of the SA, perhaps as an Action Point it would be helpful when you are... because clearly you are going to have to do work on the SA aren't you?'.	
5-14	<p>Poor Conduct</p>	<a href="#">1:33:35</a>	A. Marsh asks if the Inspectors suggestions (1:32:44) will be part of the Main Mods – she responds with a high pitch patronising tone 'thank you for picking that up for me thank you'.	
5-15	<p>Unstructured/ Confusing</p> <p>Critical of the Council</p>	<a href="#">1:43:08</a>  <a href="#">1:44:34</a>  <a href="#">1:53:30</a>	<p>'Whether it goes to the test of soundness or not as a mere point...' followed by an inconclusive ramble on wording or format... 'I will probably let that go to be honest'.</p> <p>"where possible" is that really appropriate?</p> <p>'I don't know if it goes to the test of soundness but might make the plan more effective'.</p>	Inspector contradicts herself when asking for changes that may or may not affect soundness.

		<a href="#">1:57:40</a>	'to be fair you can't change the wording unless there is a reason'.	
5-16	Poor Conduct	<a href="#">1:45:12</a>	'Any views? Would you take that point?'	
5-17	Unstructured/ Confusing	<a href="#">1:47:27</a> = <a href="#">1:49:12</a>	'I don't think it's necessarily a matter of soundness and therefore it wouldn't be something that I could direct the council to undertake' ... 'there's no point in saying it's nothing to do with me...' goes on to suggest how it can be included regardless, in the supporting text concluding 'it's literally nothing to do with me'.	
5-18	Unstructured/ Confusing	<a href="#">1:58:30-</a> <a href="#">1:59:29</a>	Incoherent question.	

## Day 6 (AM) – Next Steps for the Council

<https://www.youtube.com/watch?v=Yne8H2bg4EI>

Ref	Category	Time	Issue	Notes
6-1	Pre-determined views Poor conduct	<a href="#">3:10</a> (Watch for a few mins)	"I'm sure Mr Brown has told you, that Inspector's love a story that we can buy into [laughter]."	
6-2	Critical of the Council	<a href="#">7:41</a>	"That's important if we want to have stage two hearings in spring or early Spring. Have to do MIQs, sent 6 weeks before. I have to be content that all this is done before send MIQs. And that has a timing issue."	Pre-determined because she's indicating she thinks we are moving to Stage 2 and is indicating a potential date for when.
6-3	Critical of the Council	<a href="#">9:53</a>	A pause would be in the context of, "if so much to be undertaken that it's a new plan". She says don't get hung up on word pause, extent to which Plan needs to be improved so much.	
6-4	Critical of the Council	<a href="#">11:07</a>	Inspector is not happy that some of the evidence came in after submission of the Plan. Paul Brown explains a lot of it was to do with the timing of the General Election. She says we need to "up our game a bit in terms of getting the evidence done".	We asked PINS before submission advice on submitting the Plan without some SoCG's. PINS confirmed this was acceptable.
6-5	Critical of the Council	<a href="#">20:30</a>	When PBKC asks about time scales she says "the onus is on you". In terms of how long it takes to get the evidence back to her on the tasks she sets. She says she can't do her tasks until we have done ours.	She implies many times she thinks it's the Council who will hold up the timings of the Examination. That "time is of the essence".