

Saxon Meadow Tangmere Ltd

Telephone no. Mobile

E-mail

Discharge Mr. I. Backgring, Mr. C. Av In-

DEVELOPMENT MANAGEMENT

17 MAR 2023

14th March 2023

Planning Policy Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

Dear Sir / Madam

Representation on the Local Plan Consultation response relating to: Policy A14: Land West of Tangmere And: 20/02893/QUT (planning outline)

The shareholders of Saxon Meadow Tangmere Ltd have approved the following resolution:

With the support of the shareholders (residential leaseholders) of Saxon Meadow Tangmere Ltd that the Directors are making the following representations to Chichester District Council (Council) in relation to the public consultation: Regulation 19 - Local Plan Proposed Submission 2021-2039:

- 1. to object to POLICY A14: LAND TO THE WEST OF TANGMERE; and
- 2, to state that it is not a sound policy; and
- 3. that the Council has not made sufficient efforts to engage with them and other residents of Saxon Meadow; and
- 4. that as a consequence of 3, above, the Council has failed to demonstrate the application of the principles it has included in the statement of community involvement, which would be required for the policy to be legally compliant.

Accordingly, I attach the representation form in the required format for inclusion in the public consultation.

Kind regards,

Terry Pickering, Chairman

Saxon Meadow Tangmere Ltd



Representation Form

Local Plan 2021 - 2039 Publication Stage

Ref:

(For official use only)

The consultation on the Local Plan 2021 – 2039: Proposed Submission will run from 3 February 2023 to 17 March 2023. The document and more information on the consultation can be viewed on our website www.chichester.gov.uk/localplan

All comments must be received by 5pm on Friday 17 March 2023.

There are a number of ways to make your comments:

- Comment on the document on the internet using our online consultation website www.chichester.gov.uk/localplanconsultation (Recommended)
- Post a copy of this form to us at: Planning Policy Team, Chichester District
 Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

How to use this form

Please complete Part A in full. Please note anonymous comments cannot be accepted, a full address including postcode must be provided.

Please complete Part B overleaf, <u>using a new form for each separate policy or paragraph</u> that you wish to comment on. Please identify which paragraph your comment relates to by completing the appropriate box.

For more information, or if you need assistance completing this form, please contact the Planning Policy Team by email at planning policy@chichester.gov.uk or telephone 01243 785166.

Part A 1. Personal Details* 2. Agent's Details (if applicable) *If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2. Title Mrs First Name Debbie Last Name Harper Job Title Company Secretary (where relevant) Organisation Address Line 1

(there are underscores) in the eman addressplease note.

Part B	
Please <u>use a new form for each representation</u> that you wish to make. Please note	
anonymous comments cannot be accepted. Any personal information provided will be	
processed by Chichester District Council in line with the General Data Protection	
Regulations 2018. More information is available at: http://www.chichester.gov.uk/dataprotectionandfreedomofinformation.	
mg_nvvwv.cinchester.gov.an/dataproteesionanan/eedoniomnennesion.	
Name or Organisation: Saxon Meadow Tangmere Ltd	
3. To which part of the Local Plan does this representation relate?	
Paragraph Policy A14 Policies Map	_
A14	
4. Do you consider the Local Plan is:	
4.(1) Legally compliant Yes No X	
4.(2) Sound Yes No X	
4 (3) Complies with the	
Duty to co-operate Yes No X	
Please tick as appropriate	

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The requirement for necessary infrastructure to support large numbers of new homes is not satisfied, which means that the policy is not sound.

Policy A14 is not sustainable development, as defined in the National Planning Policy Framework (NPPF), and on this basis it is not sound. The NPPF requires the provision of necessary infrastructure and a genuine choice of transport modes. Para 73 of the NPPF states: "The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes)."

Policy A14 falls within the scope of what the NPPF calls "large numbers of homes", whether measured on absolute or relative basis, given that:

- Policy A14 concerns a development of 1,300 dwellings (page 256), on approximately 73 hectares of land predominantly used for agriculture (para 10.62);
- The Local Plan identified a target supply of 10,359 dwellings for the entire district (page 100). Policy A14 represents 13%, or 1 in 8 homes for the entire plan period in a single location;
- This represents a 30% uplift on the 1,000 dwellings referenced in the Tangmere neighbourhood plan in 2016 (para 4.11);

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- Policy A14 would more than double the size of Tangmere, which had 1,156 dwellings in May 2016 (para 2.14 Tangmere neighbourhood plan);
- 46x Saxon Meadow, a residential estate of 28 dwellings surrounded by the agricultural land that would be built upon.

Policy A14 is not sound because it has not been positively prepared to achieve sustainable development, in that it is not supported by the necessary infrastructure including a genuine choice of infrastructure. Specifically, there is no rail service and ineffective strategy to relieve congestion on the A27.

There is no policy to provide a train stop to serve Tangmere (Para 8.17 and Policy T1), which is a requirement to support sustainable development in the context of Policy A14

Paragraph 8.17 and Policy T1 are not sound because they are not positively prepared to meet the housing and employment needs of the area. The Sustainability Assessment² (a legal requirement) identified: "important high level concern is the lack of a train station at Tangmere" (page 89). The local plan, refers to rail transport infrastructure at Para 8.17 and Policy T1, but provide no reference to this important matter. The infrastructure delivery plan³ contains no plan of funding for any rail-related infrastructure investment in relation to policy A14 (para 15.2 page 74-75). Para 8.17, and Policy T1 are not justified because they do not identify an appropriate alternative, which would be to work with relevant delivery partners to seek the introduction of a train stop servicing Tangmere, on the existing line between Barnham and Chichester to provide sustainable transport in the East West Corridor, as a genuine alternative mode of transport to using a car on the congested A27.

The Duty to Cooperate Compliance Statement⁴ identified the Office for Road and Rail as a prescribed body (page 4, para 3.1). CDC noted that the ORR did not respond to its consultation (page 11). It is not a sound, justified or effective position for CDC to treat the Duty to Cooperate as a "tick box" exercise by sending the prescribed body a couple of emails, the last of which was issued in February 2019 (page 52), and report no further evidence in the local plan that it has followed up with the ORR to discuss the issue of placing a train station at Tangmere. There is no further evidence or analysis on this matter. It would not be reasonable to conclude that CDC has applied the Duty to Cooperate in any meaningful way given that it has made insufficient efforts to do what is reasonable to expect of it in this important matter.

There is no sound policy to address constrained road capacity on the A27 (para 8.4, 8.11, 8.23, Policy T1) which is a requirement to support sustainable development in the context of Policy A14. The local plan stated the network is 'operating at or close to designed capacity' (para 8.23) but no funding or plan is confirmed to address existing congestion on the A27 around Chichester and this cannot be met through developer contributions alone (para 8.4). The plan stated that the status of the A27 Chichester by-pass is not guaranteed for inclusion in the final RIS3 programme and funding is not guaranteed (para 8.5). Although paragraph 8.11 identified some junction improvements on the A27, the lack of a funded plan to address congestion is not a sound policy as it is not positively prepared to support needs.

 $^{^2\} https://www.chichester.gov.uk/media/37868/Sustainability-Appraisal---January-2023/pdf/Sustainability_Appraisal_-January_2023.pdf$

 $^{^3\} https://www.chichester.gov.uk/media/31025/Infrastructure-Delivery-$

Plan/pdf/Chichester_Infrastructure_Delivery_Plan.pdf

https://www.chichester.gov.uk/media/37872/Duty-to-Cooperate-Statement-of-Compliance---January-2023/pdf/Duty_to_Cooperate_Statement_of_Compliance_-_January_2023.pdf

The also local plan states that CDC has decided to shift from a 'predict and provide' to a 'monitor and manage' approach (para 8.12). The sustainability appraisal stated: "a clear and significant concern with higher growth scenarios, given the risk of an objection from National Highways on the grounds that the proposed 'monitor and manage' strategy could be insufficient to avoid severe traffic congestion on the A27". That policy A14 represents a +30% growth in the number of new homes from 1,000 to 1,300. It does not appear to be sound, justified or effective to adopt a strategy which is at risk of objection, and because it is clear that policy A14 will exacerbate the already unstainable congestion, which undermines the economic and social objectives of the NPPF (para 8 of the NPPF). Even though the local plan has abandoned a sound policy to predict traffic growth, it is easy to understand the potential impact on A27 road congestion of Policy A14 to build 1,300 homes, given that the additional cars would have a total length roughly equivalent to the distance from Westhampnett to Fontwell, or two laps of the Goodwood motor racing circuit. For example:

- 1,300 homes (policy A14)
- 1,742 vehicles (1.34 vehicles per household in West Sussex in 2011)⁵
- 7.7km total length of all cars (4.42m long Kia Niro, the most popular car in 2022)⁶

Policy T1 and para 8.27 refers to some minor initiatives regarding bus/train coordination and railway station accessibility, which is not a sound strategy that would meet the NPPF requirement because it not an effective strategy to address the requirements because this cannot provide a viable choice of transport modes for longer journeys, nor for those who need to use a vehicle for work, and because there are no dedicated bus lanes so buses are caught up in congestion so take too long and exacerbate the existing problem. A sound policy would require the deferral or cancellation of policy A14 until such time that the provision of capacity on the A27 is addressed, or desist from making the problem worse.

Policy A14 is unsound as it represents a significant risks to biodiversity, which is not compatible with the environment objectives of the NPPF

The Habitat Regulations Assessment (HAR)⁷ stated that policy A14 would have "potentially significant effects" (page 112). The map of strategic wildlife corridors⁸ shows corridors very close to, or potentially overlapping the land earmarked for policy A14. Para 4.32 of the plan refers to designated habitats for Bechstein's and barbastelle bats at the Singleton & Cocking Tunnels Special Area of Conservation. The HAR stated that "a study on barbastelle bats determined that home range distances show considerable inter-individual differences, with bats traveling between 1 and 20km to reach their foraging areas" (para 3.40, HAR). This means that land to the west of Tangmere is within their foraging range. Given the assessment of "significant effects", the plan has not provided justified and proportionate evidence in relation to the environmental objective. A policy that did not involve development of housing or road networks would be a more effective strategy to achieve the environmental objective. Development would have negative consequences for the environmental objective relative to the baseline.

Agricultural and horticultural activity support the local economy and support food security, but this evidence has not been applied, as it should, to consider the merit of Policy A14

The land west of Tangmere is used predominantly for agriculture (para 10.62) and the plan has designated it a 'strategic development location' for the site. Building 1,300 houses would remove

⁵ https://www.westsussex.gov.uk/media/2702/censusbulletin_traveltowork.pdf

https://www.goodwood.com/grr/road/news/2022/12/the-top-10-best-selling-cars-in-britain/

⁷ https://www.chichester.gov.uk/media/37866/Habitats-Regulation-Assessment---January-

^{2023/}pdf/Habitats_Regulation_Assessment_-_January_2023.pdf

⁸ Map 5, East of City https://www.chichester.gov.uk/strategicwildlifecorridors

the agricultural and/or horticultural contribution of this land permanently from the food supply chain. This is not a sound policy.

The local plan summarises the economic contribution of agriculture: "major growers have established large scale glasshouse sites, which are mainly concentrated on the Manhood Peninsula and along the east-west corridor. In the Chichester and Arun coastal plain, horticultural production has a retail value of over £1 billion and employs over 7,500 permanent and seasonal workers. (para 2.20). The local plan stated that: "the contribution of climate, soil quality and high light levels which prolong the growing season make the district's horticultural industry amongst the largest producer of salad crops in the country and supplies much of the South East Region" (para 2.20). There is also a Horticultural Development Area in Tangmere and the local plan also stated there is unmet demand for 20ha horticultural land in Tangmere (para 7.24).

There are significant negative economic and social effects of disruption in food supply chains and this is a theme of parliamentary debate during the period of developing the local plan. For example, it was reported recently that "Government agrees to bolster protection of farmland in Levelling Up Bill. The government has agreed to include food security and better protection for agricultural land in the new National Planning Policy Framework (NPPF)" and "More protection for farmland in Levelling Up Bill amendment" During the consultation period, there was a shortage of salads and fresh fruit at a local and national level. The UK Food Security Report, 2021 stated: "the UK Food Security Report also raised concerns about future climate change, biodiversity loss and overexploitation of natural capital such as fish and water resources."

Therefore, the plan is not sound, because it has not provided proportionate evidence to support policy A14, which would remove productive agricultural land, which makes a positive contribution to the economy, and has superior environmental benefits. The 73 hectares to the west of Tangmere provide a greater this land is productive, and has more value for agriculture, with capacity to provide for unmet horticultural demand.

Policy A14 cannot be considered to be legally compliant because CDC cannot demonstrate satisfactorily that it has applied the principles included in the Statement of Community Involvement, which is a legal requirement.

There are 28 residential dwellings in Saxon Meadow, Tangmere, a residential development located in the Tangmere conservation area, created from the sympathetic restoration of a set of agricultural buildings which has significant heritage value. It is a tranquil, peaceful and attractive site, next to the 12th Century St Andrews Church, and is surrounded on all sides by viable and productive agricultural land, bordered by veteran trees, mature hedgerows and natural water courses and conduits. It is however a constrained site with no private gardens and limited parking, and it accessed only via Church Lane. It is also important to note that for many years, the surface water at Saxon Meadow has been dispersed via soakaway on given the surrounding agricultural land, and so any new development needs to address the existing challenges for infrastructure first. This means that investment would be required for rain-water and for waste water because any future development would cause risk to the current arrangements. Some residents work in the community, including agriculture, critical national infrastructure, the Goodwood Estate, and other residents have retired here to enjoy a long, peaceful and happy life and the prospect of 14 years of blight is extremely upsetting. The masterplan describes a scheme 46x larger than Saxon Meadow (1,300 vs.

⁹ https://www.farminguk.com/news/government-agrees-to-bolster-protection-of-farmland-in-levelling-up-bill 61746.html

¹⁰ https://www.fwi.co.uk/business/more-protection-for-farmland-in-levelling-up-bill-amendment

¹¹ https://www.sussexlive.co.uk/news/uk-world-news/asda-limits-amount-veg-shoppers-8173738

¹² https://researchbriefings.files.parliament.uk/documents/CDP-2022-0147/CDP-2022-0147.pdf

28 dwellings). Despite these factors which are of direct relevance to Policy A14, the Council has developed its plan without taking account of the residents and leaseholders at Saxon Meadow, who would be very significantly affected, and given the proximity of the development site and impact on land owned by or used by these people, CDC has a duty of care to everyone at Saxon Meadow, including the management company.

On 27 February 2023, the Directors of Saxon Meadow Tangmere Ltd (Directors) wrote to CDC and other parties to request that the local plan consultation should be paused and extended to provide the residents of Tangmere with sufficient time to respond, and to request a "reset" in relationships. A number of residents of Saxon Meadow are of the view that CDC has failed to apply its own principles set out in its principles of community involvement, which CDC acknowledges to be a legal requirement for the local plan. For example, CDC only issued notices of the local plan consultation to 2 deceased former residents of Saxon Meadow. Given that many residents of Saxon Meadow are elderly, have protected characteristics, mobility issues or are employed in the maritime sector, it is incumbent upon CDC to do much more than it has done so far in order to demonstrate that the local plan has been developed in legally compliant, sound manner, and that it has complied with the duty to cooperate.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The first modification to the local plan is to incorporate into the draft local plan a written commitment that it will respond positively to the Directors' request on 27 February 2023, to meet with Saxon Meadow Tangmere Ltd and its residents in order to identify common ground for the land to the west of Tangmere, which would help to tackle the wide range of concerns about this policy. This commitment is a necessary but insufficient action that must be taken by CDC and would then need to be fulfilled.

The second modification to the local plan is to make a number changes to Policy A14 which would have no impact on the number of homes planned for this site, but could address some of the concerns of residents and make considerable progress towards addressing the soundness of the policy. These include:

1. The masterplan should be amended in relation to the houses proposed to be built in the field south of Saxon Meadow to provide a greater separation distance between the existing buildings and new homes and preserve views to St Andrews Church Oving from dwellings in Saxon Meadow. Policy A14 should make clearer than Saxon Meadow is in a conservation area, so views are protected from in and outside of the area (Policy P11), and accordingly, there must be much greater separation distances between the existing dwellings and any new homes to preserve the setting, heritage and conservation area benefits for everyone. The masterplan could be amended without any reduction in the number of homes on this part of the site by reducing the apparently favourable distance indicated on the plan between the new homes and Tangmere Road, particularly given that there are no plans to develop land to the south of Tangmere Road (Sustainability Appraisal, map on page 89). During

- 2. The developer should provide and fund upgrades to drainage, water run-off and other required infrastructure and utilities for the existing dwellings at Saxon Meadow prior to development because the Saxon Meadow would be no longer be able to rely on soakaway for rainwater into the surrounding fields and may face future risks to the removal of waste water due to capacity constraints. Policy II requires the council to work to coordinate infrastructure provision. The existing flooding on Church Lane also needs to be addressed because there has long been an expectation that there was a requirement for this investment to take place prior to any new development (e.g. in the 2015 Local Plan). In addition to water-related infrastructure, the discussions between CDC and Saxon Meadow may lead to the discovery of other necessary investments that the developer / council or other infrastructure provider would need to fund and deliver prior to house building. A new sentence should be added to policy A14 to address this matter.
- 3. The masterplan should exclude attempts to acquire the land which provides access between Saxon Meadow to Church Lane. This is required because Saxon Meadow is a constrained site with limited parking and a single access road that is adjacent to veteran trees, hedgerows and a watercourse meaning that there are too many practical constraints regarding this site and it provides a right or way and amenity value to residents and visitors to Saxon Meadow, the loss of which would cause significant detriment, particularly for the dwellings closest to this part of the estate. There is no justification for compulsory purchase orders (CPOs) to be used to acquire any land used by residents and visitors to access Saxon Meadow from Church Lane, and CDC should take no further steps of any kind to seek to acquire this land. Policy A14 would need to be amended to include an additional sentence that makes a positive commitment that CDC will take to protect the current rights of way, amenities and rights of the residents of Saxon Meadow, and all parts of the land surrounding St Andrews Church Tangmere, including the existing pond, trees, hedges, visitor parking spaces for Saxon Meadow and the Church and the adjacent land.
- 4. The masterplan should exclude attempts to acquire any part of the meadow to the west of the garages provides amenity value to the residents, none of whom have private gardens. Our meadow is surrounded by veteran trees and hedgerows and is an important source of biodiversity in its natural condition as a wildflower meadow. The meadow is owned by Saxon Meadow Tangmere Ltd and has been maintained at the expense of residents since the development of Saxon Meadow 40 years ago. The residents of Saxon Meadow are keeping it as a wildflower meadow to support biodiversity and amenity value, and it is encircled by mature ancient hedgerow. The policy to achieve a net gain in biodiversity in the masterplan would be more appropriately focused elsewhere. Safeguarding the meadow for Saxon Meadow's current and future residents may also provide future amenity value to support the residents to replace the 28 gas boilers in due course, e.g. via a ground source heat pump under the meadow, in strict accordance with renewable energy and biodiversity policies (para 4.1, 4.3). There is no justification for compulsory purchase orders (CPOs) to acquire any land owned by Saxon Meadow Tangmere Ltd, and CDC should take no further steps of any kind to seek to acquired this land. 14 Policy A14 should incorporate a positive commitment to safeguard the meadow – which is, in fact the very essence of, and namesake of "Saxon Meadow, Tangmere"
- 5. If the developers wish to provide a community orchard as part of their masterplan, then this should be located next to the proposed allotments because this is the best place for

¹³ Without prejudice to the rights to compensation relating to any CPO

¹⁴ Without prejudice to the rights to compensation relating to any CPO

fruit trees. It should NOT be divide the existing meadow, which should be left as a single meadow under current ownership. The most appropriate location for a community orchard is with the planned additional allotments because it is a complimentary amenity, and it is far more likely to result in these trees being maintained, harvested, and utilised by the community for the intended purposes. The residents of Saxon Meadow consider that the masterplan must be changed because the current proposal would mean that the orchard would quickly fall into disrepair introduce anti-social behaviour and crime risks to the residents and garages, and would create an unreasonable burden, inconvenience and result in costs without benefit, including lower property prices, higher insurance premia and a general nuisance without any benefit at all. Policy A14 should be amended to state that the community meadow will be part of a separate allotment provision and not placed on the land owned by Saxon Meadow.

6. The proposed spine road should not provide a direct link for cars between the A27 to Tangmere Road because this would be very inconvenient for the residents of Saxon Meadow, whilst providing no benefit at all. Providing a direct link would introduce a rat-run to avoid congestion around Chichester and would be a source of noise pollution, light pollution and lower air quality and is very detrimental to Saxon Meadow. Access to any new houses can be provided without a direct link (para 10.62). Policy A14 should be amended to remove referee to the link/connection.

Given that Policy A14 does meet the NPPF definition of sustainable development, there are strong grounds for suggesting that CDC should halt further consideration of 20/02893/OUT to prepare a new strategy to deliver infrastructure in support of sustainable development on a timely basis. This would require a substantial revision to Policy T1 and I1 to make changes in support of a revised Policy A14

The adoption of a sound road policy is a necessary, but not sufficient, requirement to address the lack of soundness of Policy A14. This would require CDC to continue with the "predict and provide" approach and work with relevant delivery agency to secure funding for road infrastructure to meet local needs prior to further consideration of house building on the land to the West of Tangmere.

The provision of a train stop to serve Tangmere on the existing line between Barnham and Chichester is a necessary, but not sufficient requirement to address the lack of soundness of Policy A14. Local residents recall that in the past there was a train stop at Oving (close to Tangmere) on the existing Barnham-Chichester line, indicating that a sustainable and sound policy would be for CDC to work with relevant delivery partners to reintroduce this infrastructure to support new homes in Tangmere. There is at least one suitable site for a train station on Woodhall Lane, Oving where there is a level crossing already, and which (based on a satellite image from google) has a suitable site that could be acquired, and would provide sufficient space for a platform and associated infrastructure including connection with local bus services, and can already be reached by pedestrians and bicycle via a safe route.

Even all of these actions may not be enough to make policy A14 sound and legally compliant, so finally, CDC should take a fresh look at whether it needs to abandon A14 altogether. There are reasonable grounds to do so, given that the current land use, which is mainly agricultural with a small number of dwellings including Saxon Meadow, inside a conservation area with highly attractive heritage features, and for which development would present potentially significant harm in relation to the scope of the habitats regulations assessment, suggest that leaving things as they are today may be the policy with the most favourable contribution to the economic, social and environmental objectives set out in national policy.

(Continue on a separate sheet /expand box if necessary)
Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector,
based on the matters and issues he or she identifies for examination.
7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?
No, I do not wish to participate in hearing session(s) Yes, I wish to participate in hearing session(s)
Please note that while this will provide an initial indication of your wish to participate in hearing sessions(s), you may be asked at a later point to confirm your request to participate.
8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:
Saxon Meadow Tangmere Ltd and its representatives should be invited to participate in the hearings to ensure that the inspector is able to understand directly about the issues of concern to the residents, leaseholders and the company itself in relation to the local plan.
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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