EXAMINATION BRIEFING NOTE

Introduction

1. These Notes are to assist those involved in the Examination into the Wiltshire Core Strategy (CS). This document was formally submitted to the Secretary of State on 10 July 2012 albeit further public consultation was subsequently undertaken upon a range of matters. The hearing sessions which are part of the overall Examination are currently intended to open on Tuesday 7th May 2013 at 10.00am within the Civic Centre, Trowbridge.

The Inspector and his role

2. The Secretary of State has appointed the Inspector, Andrew Seaman BA (Hons) MA MRTPi to hold the Examination into the soundness of the CS.

3. The Inspector’s task is to consider the soundness of the CS based on the criteria set out in paragraph 182 of the National Planning Policy Framework (the Framework) published on 27 March 2012. The relevant soundness criteria are whether the CS is: 1) positively prepared (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development); 2) justified (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence); 3) effective (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and 4) consistent with national policy (enabling the delivery of sustainable development in accordance with the policies in the Framework). Appendix A contains a list of useful publications and web sites for advice. The Inspector must also consider issues of legal compliance.

4. The Inspector intends to work collaboratively with the Council and the Examination participants in a proactive manner. Those taking part should aim to be cooperative and respectful of one another. The Inspector is required to consider all the representations duly made to the submission document but only so far as they relate to the matters of soundness. It is important to note that the Inspector does not consider each “objection” or report on them individually. Further information on the process can be found in the Planning Inspectorate’s explanatory information: “A brief guide to examining development plan documents” and “Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance” www.planningportal.gov.uk/planning/planningsystem/localplan

5. To secure a sound plan, the Inspector could amend the CS through modification. However, he cannot recommend as ‘main modifications’ changes that are merely “improvements” to the plan that do not affect the soundness of the CS. Nevertheless, it would be unusual if the Council did not wish to respond positively to the concerns of participants wherever possible and the Inspector will facilitate that where appropriate. Indeed, in submitting a Schedule of Proposed Changes (contained in Appendix 11 of the Regulation 22 C Statement – Document WCS/02) the Council has already indicated its willingness to actively engage in this area.

6. The Council should not propose any further fundamental changes to the submitted CS before the hearing sessions of the Examination. Where the Council considers minor changes are necessary, these should not affect the substance of the document, its overall soundness or the submitted sustainability appraisal. If, exceptionally, more fundamental changes are proposed, they must be subject to the same process of
sustainability appraisal, publicity and opportunity to make representations as the submitted plan.

7. National and regional policies will not be specifically debated in isolation although the Examination will, as necessary, consider the implications of such policies where they directly affect the areas and topics covered by CS.

8. Following the close of the hearings, the Inspector shall prepare a report for the Council with his conclusions and recommendations. He shall announce an indicative date for completion of his report at the last hearing session. The report will deal with broad issues and not with each individual representation. The Inspector can only make a recommendation that ‘main modifications’ should be made for the CS to become sound if the Council requests him to do so in accordance with s20(7C) of the Planning and Compulsory Purchase Act 2004 as amended.

The Programme Officer

9. The Programme Officer (the PO) for the Examination is Mr Ian Kemp. He is not a Council employee and works under the direction of the Inspector. Mr Kemp can be contacted on 01527 837920, mobile 07723 009166, by email at idkemp@sky.com or by post at 49 All Saints Place, Bromsgrove, Worcestershire, B61 0AX.

10. The main tasks of the PO are to act as a channel of communication between the Inspector and all parties; to liaise with all parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council’s web site (see below). Anyone interested in viewing any of the documents should contact Mr Kemp beforehand in order to ensure their availability.

11. During the Examination the PO will be able to tell you how closely the hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly-updated programme on the web site at:

   http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/wiltshirecorestrategy/wiltshirecorestrategyexamination.htm

12. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that you wish to raise with the Inspector prior to the hearings should be made through the PO.

Pre-Hearing Meeting (PHM)

13. A Pre-Hearing Meeting will take place on 28th February 2013 at 1.30pm within the Civic Centre, Trowbridge. The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the Examination of the CS. This will include details about the programme, further submissions and the procedure to be followed. The content and merits of the CS and the representations previously made will not be discussed at this meeting. Those who wish to be involved in the subsequent hearing sessions of the Examination should attend.

14. At the PHM the Inspector will confirm the Council’s response to a series of procedural questions in order to ascertain whether the CS has been prepared in accordance with the statutory procedures and that regard has been had to relevant documents. An indicative agenda for the PHM accompanies these notes. A list of ‘Matters and Issues’, to be prepared by the Inspector, will be made available to the PHM for information/comment. These will underpin the subsequent Hearing sessions and will likely require the submission of some further written information. A note of the PHM,
along with any revisions to the hearing sessions will be made available after the meeting.

The hearing sessions

15. The hearing format provides a relatively informal setting for dealing, by discussion, with a range of ‘Matters and Issues’ identified by the Inspector. Only those respondents who are seeking specific changes to the CS to ensure soundness are entitled to attend the hearing sessions. There is no necessity for those supporting or merely making comments on the document to be present.

16. There should be no need for people pursuing their cases in writing to expand on their original representations because these should have identified the ways in which the CS is considered to be unsound and what changes are suggested to make it sound.

17. However, where participants relying on written representations feel that it is necessary to submit further material in response to the Inspector’s ‘Matters and Issues’, this must be submitted to the Programme Officer in accordance with the same timetable as for those attending the hearing sessions.

18. The Inspector will not ask or expect the Council to respond to each and every representation. **Representations made orally or in writing carry the same weight and the Inspector will have equal regard to each.** Attendance at the hearings will only be helpful if participants wish to contribute constructively to the debate.

19. Participants may bring professional advisers but space around the table will often be at a premium and notification should be provided to the Programme Officer. There will be no formal presentation of evidence or cross-examination and, as the discussion is focussed on the issues identified in the agenda, it is important that the person able to make the most useful contribution should sit forward.

20. The Inspector will look to draw all relevant parties into the discussion to enable representors to air and explain the nature of their concerns and to help the Inspector gain the information necessary to come to a conclusion on the topic.

21. If participants find that other people have raised the same issues as themselves, they are encouraged to join forces and appoint a spokesperson. This can save time at the Hearings by avoiding repetition of arguments and often results in a more forceful presentation of evidence. A good point made ten times does not become a better point.

22. The Programme Officer will provide name boards for each participant which should be stood on end to indicate a wish to speak. In that way the Inspector can invite contributions as the discussion unfolds without overlooking anyone with a point to make.

The hearing programme

23. The hearing sessions of the Examination are currently planned to commence at 10.00 within the Civic Centre, Trowbridge on 7th May 2013. At present this is a provisional date and may be subject to change; if it alters you will be notified. There will be a break for lunch at about 1.00pm each day, with the intention of finishing at about 5.00pm. There will normally be a short break during morning and afternoon sessions.

24. A draft programme for the hearings will be made available, and a schedule of the ‘Matters and Issues’ identified by the Inspector will be produced for the PHM. The hearings will take place on a number of days which will not be consecutive and thereby will extend over a number of weeks. The hearings will be conducted on the basis that everyone taking part has read the relevant documents.
25. Every effort will be made to keep to the programme, but late changes may be unavoidable. The Programme Officer will inform the participants of any late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

**The Evidence Base and Examination Library**

26. The Council has prepared an evidence base list that will be available in the Examination Library (available to view on request from the PO). The evidence base includes Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs) and associated guidance, many of which will have been cancelled and replaced by the Framework, and other documents to which the parties are likely to need to refer. Most of these will be available on the Council’s web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents. However, where reference is made to an Examination document the reference number should be given as should the section or paragraph where the point referred to can be found. This will allow other participants to see for themselves the context in which the point is made.

**Statements**

27. The representations already made at submission stage should include all the points, documents and evidence to substantiate representors’ cases. It should not therefore be necessary to submit any further material based on the original representations. Please note that, although representations may have been made at earlier stages of the plan process, the Inspector is required to focus on representations made at the CS ‘pre-submission’ stage; these will include all representations made following submission in response to the additional consultation (i.e. autumn 2012).

28. From this point, any necessary additional written information should address the ‘Matters and Issues’ identified by the Inspector. The Inspector will ask the Council and those who have made representations to provide their statements of response, according to the dates he sets at the PHM. At this stage, any further statements must be submitted by **5pm on 3rd April 2013**.

29. Any further statements from participants need to explain:
   
   - Which particular part of the Core Strategy is unsound?
   - Which soundness test(s) does it fail?
   - Why does it fail?
   - How can the Core Strategy be made sound?
   - What is the precise change/wording that is being sought?

30. Submissions should be succinct, avoiding unnecessary detail and repetition of what has already been provided. There is no need for verbatim quotations from Core Documents, cross references will suffice where necessary.

31. The Programme Officer will require **3 copies of all statements and material together with an electronic copy**. Please note it is the quality of the reasoning that carries weight, not the bulk of the documents. Efforts should be made to cover all points in relation to each Matter in 3,000 words or fewer. Statements which are excessively long or contain irrelevant or repetitious material may be returned for editing.

32. Participants should attempt to reach agreement on factual matters and statistics before the hearings start. They are encouraged to maintain a dialogue with the Council and other participants in order to narrow down any areas of disagreement. The Inspector will seek to avoid any repetition of points because it is not helpful and wastes hearing time. **Statements of Common Ground** can be extremely useful in focusing on the issues in dispute and should be submitted within the timescale established at the PHM.
33. There is no need to prepare a further statement on matters/issues if all the points are already covered in the original representation. However, participants are asked to notify the Programme Officer if they do not intend to submit any further statements so it is clear their original representation represents their views.

34. **All participants should adhere to the timetable for submitting any further material.** Late material will disrupt the hearing timetables, be unfair to others and may not be accepted. If material is not received by this date, the Programme Officer will assume that no further representations are to be made by that participant. A checklist for the submission of further material is contained in appendix B of this note.

**Site visits**

35. Where necessary, the Inspector shall visit relevant sites and areas referred to in the representations and the CS before, during or after the hearings. If any participant feels that a site visit is essential they should advise the PO. The Inspector shall normally carry out site visits unaccompanied unless access to private land is required.

**Close of the Examination**

36. The Examination will remain open until the Inspector’s report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

Andrew Seaman BA (Hons) MA MRPI

Inspector

January 2013
Appendix A  - List of relevant legislation and guidance

A. Legislation

These documents can be searched for and found on: http://www.legislation.gov.uk/

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2012
- The Localism Act 2011

B. Government Policy and Guidance

These can be found by using the search facility on: http://www.communities.gov.uk/

- National Planning Policy Framework (NPPF)

C. Plan Making Manual

The Plan Making Manual has been produced by the Government and is delivered via the Planning Advisory Service web site. Please note that recent changes have been made to Government policy so that the guidance pre-dating 27 March 2012 will not be current.

http://www.pas.gov.uk/pas/core/page.do?pageId=51391

See also: The Principles of Plan-Making:

http://www.pas.gov.uk/pas/core/page.do?pageId=1786265

D. Guidance from the Planning Inspectorate

- Examining Development Plan Documents: Learning from Experience [The Planning Inspectorate, September 2009]

See: http://www.planningportal.gov.uk/planning/planningsystem/localplans
Again, please be aware that these guidance notes are in need of some updating.

E. Examination and Evidence Base Documents

The Examination web site can be found at:

http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/wiltshirecorestrategy/wiltshirecorestrategyexamination.htm

Many of the above documents and most of the evidence base documents are available on-line on the Council’s web site at:

http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm
Appendix B - Format for statements

A. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the Examination web site as well as the paper copies as detailed below.

B. We emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation.

C. It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from the CS or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions!

D. None of the statements should be longer than 3,000 words. For the avoidance of doubt, this limit applies to the statement for the Matter as a whole, not for the individual Questions within a Matter. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and not bound but just stapled and hole punched. Any photographs should be submitted in A4 format and should be annotated (back or front).

E. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.

F. All statements should clearly reference the Core Strategy Matter Number (from the Inspector’s ‘Matters and Issues’ paper), the representor’s personal ID Number, the relevant policy/paragraph/page of the Core Strategy to which it relates and the relevant soundness test(s).

G. All participants should adhere to the timetable for submitting statements. Late submissions and additional material are unlikely to be accepted on the day of the relevant hearing session since this can cause disruption and result in unfairness and the adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on your original representation:

- All Statements to be received by the PO by 5pm on 3rd April 2013.
- It is stressed that this last deadline refers to the receipt of both electronic and paper copies of statements. It is not sufficient to send an electronic copy by this deadline to be followed by paper copies at a later time.
- All paper copies of statements should be addressed to the Programme Officer at the following address:

  Mr Ian Kemp
  49 All Saints Place
  Bromsgrove
  Worcestershire
  B61 0AX