

WILTSHIRE HOUSING SITE ALLOCATIONS PLAN (WHSAP) EXAMINATION

Inspector - Steven Lee BA(Hons) MA MRTPI

Programme Officer - Ian Kemp

Email: idkemp@icloud.com **Tel:** 01527 861711 **Mob:** 07723 009166

Webpage: [WHSAP Examination](#)

Inspector's Guidance Note – Version 2 (13 March 2019)

1. I am Steven Lee, the Inspector appointed by the Secretary of State to examine the soundness of the Wiltshire Housing Site Allocations Document (the Plan). I shall be examining the Submission version of the Plan dated July 2018 (WHSAP.01). The Schedule of Proposed Changes (WHSAP.03) will be considered in the context of changes the Council wishes to make to the submitted Plan. I will assess these based on whether the changes are necessary to make the Plan sound.
2. Ian Kemp is the Programme Officer for the Examination, working under my direction independently of the Council. He is responsible for organising the administration of the examination, maintaining the document library, ensuring all documents received are distributed and acting as the channel of communication between me and the Council and those taking part in the examination. He is the first point of contact for those with queries about the process.
3. The Programme Officer's contact details are:
Ian Kemp
Wiltshire HSAP Programme Officer
16 Cross Furlong
Wychbold
Droitwich Spa
Worcester
WR9 7TA
Phone: 01527 861711 Mobile: 07723 009166
Email: idkemp@icloud.com
4. A webpage for the examination has been established at:
<http://www.wiltshire.gov.uk/planning-housing-sites-examination>

The Scope and Purpose of the examination

5. The purpose of the Examination is to determine whether it satisfies the legal requirements of the Planning and Compulsory Purchase Act (2004) and associated regulations, whether the Plan is sound and legally compliant.

6. The starting point is the assumption that the Council has submitted what it considers to be a sound plan. Paragraph 182 of the National Planning Policy Framework 2012 (the NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised NPPF was published in July 2018. This includes transitional arrangements which confirm that for the purposes of this examination the 2012 NPPF will apply.
7. I will consider all of the representations made on the Plan insofar as they relate to legal requirements or matters of soundness. I am not required to report on each and every representation individually however. In some cases, the issues I have identified may not have been previously raised in representations. Nevertheless, anyone who had made a valid representation seeking a change to the Plan, either at the Submission stage or on the Schedule of Proposed Changes, has a right to make their case in person at the hearing sessions. It is important to stress that written representations carry as much weight as evidence given at the hearing session.
8. Those who made representations supporting the Plan do not have a right to participate at the hearing sessions. However, at my discretion I am able to invite additional attendees if I consider it would be helpful to the Examination.
9. Sites that have been put forward for inclusion in the plan, but not selected by the Council, are commonly referred to as 'omission sites'. It is not part of my role to examine the soundness of omission sites and, subject to the legal right to be heard, such sites will not normally be discussed at the hearing sessions. Alterations proposed by the Council to site allocations through the Schedule of Proposed Changes will be considered based on whether they are necessary to make the plan sound.
10. Should the situation arise that additional sites are needed, for example because one or more of the allocated sites is found to be unsound, I will look to the Council in the first instance to decide which alternatives should be brought forward for examination. This would require the Council to undertake further consultation on any alternative sites proposed.
11. It is not within the scope of the Examination to re-open discussion on matters and issues that were considered in the examination of the Wiltshire Core Strategy (WCS). In particular, this applies to the plan period, objectively assessed housing need and the housing requirement. Rather, the purpose of this examination in relation to housing provision is whether the Plan allocates sites that are sound and consistent with the requirements of the WCS.
12. The Examination will close when my report is submitted to the Council. The potential outcomes of the examination are that:

- the Plan is sound;
 - the Plan is not sound but could be made sound by changes (known as 'main modifications'), if necessary following additional work; or
 - the Plan is not sound and could not be made sound by main modifications.
13. Any main modifications that I might recommend would be limited to those required to address matters of legal compliance or soundness. The main modifications would be subject to public consultation and, if necessary, sustainability appraisal and Habitats Regulation assessment prior to my report being finalised. The Council will also be able to make 'additional modifications' prior to adopting the submitted plan, provided that these do not materially alter the policies. These would be a matter for the Council and would be likely to include the correction of typographical errors and changes to supporting text consequential to any main modifications. I will not be considering such additional modifications during the Examination and they will not form part of my final report.

The hearing sessions

14. I have identified a number of Matters, Issues and Questions (MIQs) that need to be considered during the Examination. The hearing sessions will allow me to explore these further with the Council and other participants, taking into account relevant representations made and any additional statements which I request.
15. The sessions themselves will be informal discussions bringing in the Council and other participants as the session continues. Those participants indicating a desire to speak will be given the full opportunity to do so. The hearing sessions will be open to the public to observe but only invited participants will be able to speak.
16. Participation is only likely to be useful if you have specific points to contribute having regard to our issues and questions and which will assist me in determining the soundness of the Plan. Furthermore, in some hearing sessions others may hold similar views to your own and in that case it will be of assistance if representors were able to get together and be represented by one or two spokespersons. The assessment of soundness does not depend on the numbers speaking and there will be no merit in repeating verbally the views of others.
17. Organisations other than the Council wishing to appear at the hearing will be expected to be represented by one person only. Others may attend on the day in support but participation will normally be limited to a single representative. Equally the Council should also restrict the numbers appearing on its behalf to those that are essential to deal with a particular topic or matter. The reason for these stipulations is to ensure, as far as

possible, that those participating are able to sit around a single table in order to facilitate the discussion.

18. A provisional timetable for the hearing sessions has been produced. It may be that the detailed timetable will change closer to the start of the hearing sessions. While the Programme Officer will endeavour to keep people informed, it is the participant's responsibility to keep in contact and ensure that they attend the appropriate sessions.
19. Apart from those representors referred to in paragraph 20, all those wishing to participate in one of the hearings should contact the Programme Officer by **8 March 2019** to confirm that they wish to make their case in person and at which session(s) they wish to attend. At this point a final hearing programme will be produced.
20. For the sites proposed by the Council to be deleted from the Plan as part of the Schedule of Proposed Changes, a separate hearing session is intended to be called on the **16 April 2019**. Those wishing to participate in this session should contact the Programme Officer by **4 April 2019**.
21. The hearing sessions for the Plan will commence at **9:30 am on Tuesday 2 April 2019**. They will be held at:

**The Civic Trowbridge
St Stephen's Place
Trowbridge
Wiltshire
BA14 8AH**

22. The morning sessions will start at 9.30 am each day. Afternoon sessions will start no earlier than 2.00 pm. When possible, there will be roughly an hour break for lunch and short breaks mid-morning and afternoon. I will aim to finish the sessions by no later than 5.30 pm, but they may continue later if necessary.

The submission of statements and further material

23. The Council should produce an individual statement for each of the matters identified, addressing all of the issues and specific questions set out in the MIQs paper. They should include specific references to supporting evidence where appropriate. There may be cases where the Council wish to propose further changes to the Plan in order to address matters of soundness. Any such changes should be set out in a composite schedule with clear references made to them in the statements. It may be that additional changes will be proposed during the course of the hearing sessions.
24. Other participants may, if they wish, submit statements addressing the MIQ questions of relevance to their original representations on the plan. There is no need to repeat points already made in representations however and participants may wish to rely on these earlier representations.

25. Statements for hearing sessions should be succinct and should concentrate on responding to the particular question raised. There is no need to include extracts from the Plan, other examination documents or other documents in the public domain, such as the NPPF. Clear cross-referencing will suffice.
26. Statements should be sent to the Programme Officer. Apart from matters referred to in paragraph 27, the deadline for receipt of statements is **5 pm on 8 March 2019**. This is a strict deadline which must be adhered to in order for the hearings to proceed as planned. It should be made clear who is submitting the statement (quoting the respondent reference number) and which matter it relates to. **An individual statement is required for each matter being addressed, please do not combine comments on multiple matters within the same statement.**
27. For the sites proposed by the Council to be deleted from the Plan through the Schedule of Proposed Changes, the deadline for receipt of statements will be **5 pm on 11 April 2019**. All other guidance outlined above remains the same.
28. Statements from those other than the Council should be **no more than 3,000 words** in length and be in A4 format. This word limit will be strictly applied. **Three hard copies and one electronic copy are required and should be supplied to the Programme Officer.**
29. Statements from participants should make it clear:
 - Which part(s) of the WHSAP you consider unsound or legally non-compliant;
 - Which of the soundness criteria or legal requirements you consider it fails to meet;
 - Why it fails - point to the key parts of your original representations or summarise concisely your current position;
 - How the Plan could be made sound or legally compliant; and
 - The precise change/wording that you are seeking.
30. Other than the statements referred to above, no further information or documentation should be submitted to the examination unless specifically asked for. Additional statements or information should not be presented at the hearing sessions.
31. Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. As they will be available in this way, they will not be circulated directly to participants. However, hard copies of documents will be available to view at the Council's office.
32. Aside from these hearing statements no other written evidence will be accepted, unless I specifically request it. The hearing sessions should not be used to introduce new evidence or arguments.

Statements of Common Ground

33. There is no requirement for Statements of Common Ground (SoCG) between the Council and other public bodies or respondents to be produced but experience has shown that they can be useful. For example, they can confirm matters that have been agreed, particularly if they have previously been the subject of soundness or legal compliance objections, or they can also helpfully highlight matters that remain in contention. If they are to be prepared then they should be completed by **5 pm on 8 March 2019** and **5pm 11 April 2019** for the hearing session on 16 April 2019. These will be published as Hearing Documents so that other representors are aware of their contents before submitting their statements. However, this should not preclude the Council from continuing to engage on outstanding issues with other public bodies and updating any SoCGs as necessary.

The Examination Library

34. The Council has prepared an online Examination Library which can be found on the Examination webpage at www.wiltshire.gov.uk/planning-housing-sites-examination . This contains the submission documents, the Council's evidence and documents which have been produced during the Examination. If you have difficulties accessing the library please contact the Programme Officer. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

Site visits

35. Insofar as I consider it necessary to my assessment of the soundness of the plan, I will visit sites and locations referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land. Arrangements for any accompanied visits which I consider to be necessary will be made during the hearing sessions.

Close of hearing sessions and submission of Inspector's report

36. The Examination will remain open until my report has been submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.
37. The final hearing session will deal with any outstanding procedural matters and the next steps. I intend to announce the date when my report is expected to be submitted to the Council. This will take into account any outstanding information requirements and the potential need for consultation, sustainability appraisal and Habitat Regulation assessment of any main modifications being considered. I will then close the hearings and prepare my report.

Steven Lee
INSPECTOR
13 March 2019