This is the final version of the Guidance Note published on 23 November 2011.

WEALDEN DISTRICT LOCAL DEVELOPMENT FRAMEWORK

Examination into the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Development Plan Document

GUIDANCE NOTE FROM THE INSPECTOR (FINAL)

The hearings into the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy (CS) will open on 17 January 2012 and are but one part of my Examination of the CS.

The Inspector's role

1. My task is to consider the soundness of the CS, based upon the advice in Planning Policy Statement 12 (PPS12). Further details of the approach to soundness and the examination process are set out in the Planning Inspectorate's booklet Local Development Frameworks – Examining Development Plan Documents: Soundness Guidance (August 2009). Soundness covers three broad areas which examine whether a DPD is: 1) justified (founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives); 2) effective (deliverable, flexible, and able to be monitored); and 3) consistent with national policy. Appendix A contains a list of useful publications and websites for advice. It is not my role to seek to improve the CS or to make it 'more sound' but to seek to address unresolved issues through round table discussion or consideration of the original written representations. Where a non-identified 'omission' site is being promoted instead of or in addition to the proposed Strategic Development Areas I cannot recommend it as a 'better' site if the CS is already sound.

2. The CS submitted for examination was accompanied by a schedule of minor changes (Document A1B) made as a result of consultation on the submission document. The starting point for my Examination will be the CS Submission Document (August 2011) as amended by these minor changes. Any further changes that may be proposed should therefore take as their starting point the CS as amended.

3. Following the close of the hearings I shall prepare a Report for the Council and the South Downs National Park Authority (NPA) with my conclusions and any changes required to the CS, the expected arrival date of which I will announce at the last hearing session. I will deal with the main issues of concern in my Report, and not with each individual representation.

4. Most changes will be limited to clarification or to dealing with factual updating or correction. Where more significant changes are made, I need to ensure that the rights of third parties are not prejudiced by recommendations on matters which would take them by surprise. Where appropriate, changes may also need to be covered by a revised Sustainability Assessment. My reports will be binding on the Council and the NPA which can then formally adopt the CS, if it they so wish, changed as necessary.

The Programme Officer

5. Lynette Benton is the Programme Officer (PO) and she is acting as an impartial officer of the Examination under my direction and not as an employee of the Council. She can be contacted on 07985 878623/01892 602714 or by email at lynette.benton@wealden.gov.uk

6. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, and to keep

the Examination Library. Details of the website where Examination documents are available are given in Appendix A. The PO can make available electronic or paper copies on request.

7. During the Examination the PO will be able to tell you how closely the hearing sessions are following the circulated programme (when produced). Alternatively, you will be able to view a regularly-updated programme on the web site at *http://www.wealden.gov.uk/Wealden/Planning_and_Building_Control/Planning_Policy/Local_Development_Framework/CoreStrategy/Planning_Examination_of_the_Core_Strategy.aspx* Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be made through the PO.

Number of representations

8. Some 1,783 representations (from 272 organisations and individuals) were received on the published CS.

Progressing your representations

9. Respondents have already indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. **Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a debate**.

10. Those who wish to proceed by written means can rely on what they have already submitted. The right to participate in a hearing extends only to those who propose changes to the CS. There is no need for those supporting the CS or merely making comments to take part in the hearings although they may attend as observers. I may, however, invite persons to appear or be heard at the hearings where I think they are needed to enable the soundness of the plan to be determined.

11. The original representations should have included all the points and evidence to substantiate the cases and it is not necessary to submit further material based on the original representations. Any further written evidence should be limited to responding to my forthcoming written questions. It should not expand on what is in the representations; neither should it stray beyond those issues relevant to each original representation.

12. However, evidence on new matters which have arisen since representations were submitted can be sent to me via the PO. For example, where new documents (additions to the evidence base) have been produced, or where changes have been proposed by the Council and NPA (see para. 26 below). Such submissions should be limited to 1,500 words. In this regard, since the submission CS was published there has been a Ministerial Statement on 'Planning for Growth' and the Government has published a draft National Planning Policy Framework for consultation. Further written submissions may be made on any implications of these new matters and the draft programme of hearings will include provision for them to be discussed, if appropriate.

13. If any party wishes to change from a written representation to an appearance at a hearing session or, having seen the scale and scope of the representations, to change from an appearance to written representations they should inform the PO by **16 December 2011**. In the interests of fairness to other participants, changes to the method of progressing representations will **not be accepted** after this date.

14. My starting point for the Examination is the assumption that the Council and NPA have submitted what they consider to be a sound plan. Those seeking changes must demonstrate why the CS is unsound by reference to one or more of the three factors in the soundness guidance.

The hearing sessions

15. The oral examination will progress by way of a series of hearing sessions based on the matters that I have identified. A separate hearing will be held for each matter, chaired by me. The hearing format will provide a relaxed and informal setting for dealing with issues, with little cross-examination, by way of a discussion led by me. Those attending may bring with them professional experts. Barristers and solicitors, if present, will be treated as part of the respective teams.

16. The purpose of the hearings is to concentrate on the issues that I need to hear further about, and they are not an opportunity to repeat a case already set out in representations. The discussion will focus on the Issues for Examination and the questions I will have posed. The emphasis will be on testing for soundness. I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal chance to contribute.

17. I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion and decision on the matters before me. All statements will have been read beforehand by me, so there will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side. No more evidence can be submitted once the hearing session has closed, unless I agree to it.

18. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, it is my aim to minimise the amount of material to that necessary to come to informed conclusions on the issues of soundness. In that way I hope to conduct a short, focussed, series of hearings and, in turn, to produce a short, focussed report.

19. There are some issues on which large numbers of people wish to be heard. Please carefully consider whether your concerns could be dealt with by one appointed group spokesperson or whether you can rely on the written representations already made without appearing at a hearing. In order to run efficient sessions I will not permit repetition of points at hearings: a good point made ten times does not become a better point.

The hearing programme

20. A draft Programme of the hearings, putting dates and times to the issues and subjects to be examined, will be published as soon as possible. If you have any queries on it, please raise them with the PO.

21. The Programme will be available on the web site, or in paper form from the PO. It will be for individual participants to check the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the correct time.

22. The hearings sessions will **normally** start at 10.00am and 2.00pm each day. A short break will be taken mid morning and mid afternoon depending on progress. Lunch will be taken about 1.00pm. Participants and attendees should check the web site for confirmation of start times.

Examination Library

23. The Council and NPA have prepared a list of documents that form the evidence base of the CS (the “Index of Submission and Supporting Documents”). This will be available in the Core Document Library. It will include all the documents that you are likely to need to refer to. Many of these will also be available on the web site. Accordingly, parties should not attach extracts of these documents to their Statements, as they are already Examination documents, but should refer clearly to the relevant paragraph or page that

they are relying on. A regularly updated list of Core Documents will be on the web site, with paper copies available from the PO.

Statements of Common Ground

24. Statements of Common (or Uncommon) Ground are invited where these would be helpful in identifying points not in or in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include agreed wording of a suggested change to a policy criterion, or agreed factual information; or areas or points of disagreement.

25. This work should commence now, with the aim of completing them in time to feed into the relevant hearing Statement. At the very least these documents should be submitted by **16 December 2011** with the Statements (see below).

Statements

26. Unless I have previously asked for a specific paper further written statements should be limited to (i) the matters and issues that I will identify (see para 11, above) and (ii) new matters that have arisen since representations were submitted and any changes proposed by the Council and NPA (see para 12, above). All Statements, for both hearing and written representations, should be sent to the PO by **16 December 2011**. As this is a Joint Core Strategy, the Council and NPA should prepare joint statements. They may also include any desired responses to the matters raised by the original representations (both written and for hearings), and should include any suggestions for minor editing changes and/or minor changes to the wording of policies or explanatory text (see also paragraph 30 below). The Statements by the Council and NPA should deal with all my Issues, even if they are not subject to representations.

Form of Statements

27. Appendix B sets out the requirements for the presentation of all statements. Its provisions should be thoroughly read and implemented as otherwise statements will be returned.

28. Statements from respondents should state:

- What part of the CS is unsound.
- Which of the soundness criteria it fails to meet.
- Why it fails (point to the key parts of your original representations).
- How the CS can be made sound.
- The precise change/wording that you are seeking.

29. From the Council and NPA I require Statements which say why it considers the CS to be sound in that particular aspect and why the changes sought by other parties would make it less sound or even unsound (include also the suggested changes as below as appropriate).

Suggested changes

30. There may be further changes to the CS suggested by the Council and NPA. I have therefore asked them to prepare a special Examination web page where such changes will be cumulatively listed on a regularly updated basis, as well as being dealt with in detail at hearing sessions as appropriate. Respondents should monitor this in case they wish to comment upon them to the PO (see paragraph 12 above). Where any changes are considered necessary to the soundness of the plan they should be set out in a separate schedule from minor changes.

Site visits

31. I shall visit sites and areas referred to in the representations before, during, or after the hearings. This will generally be done unaccompanied by the parties.

Finally …

I emphasise:

- that I shall have equal regard to views put orally or in writing;
- the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further submissions with short appendices, as set out in Appendix B;
- that you must meet the target date for the Statements (Appendix B); and
- that any further submissions should focus on my Issues and the soundness criteria.

Mike Moore

Inspector
23 November 2011

Appendix A

List of relevant legislation and guidance

A. Legislation.

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

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004 (and 2008 and 2009 amendments).
- The Environmental Assessment of Plans and Programmes Regulations 2004

This document can be searched for and found on: http://www.communities.gov.uk:-

- European Directive on Strategic Environmental Assessment (2001/42/EC)

B. Government Policy and Guidance

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

- Planning Policy Statement 12: Local Spatial Planning (PPS12) 2008
- A Practical Guide to the Strategic Environmental Assessment Directive

C. Plan Making Manual

The Plan Making Manual accompanies the 2008 PPS12. It has been produced by the Government and is delivered via the Planning Advisory Service website. The website also contains other advice on preparing local plans.

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

D. Guidance from the Planning Inspectorate

See Planning Portal - Local Plans
which includes a full and a brief guide to Examinations.

- Examining Development Plan Documents: Procedure Guidance August 2009 (2nd Edition)
- Examining Development Plan Documents: Soundness Guidance August 2009 (2nd Edition)
- Examining Development Plan Documents: Learning from Experience September 2009

E. Examination and Background Documents

Many of the above and most Core Documents, including the CS, are available on-line on the web site at: Core Strategy Submission - Wealden District Council Core Strategy

Appendix B

Format for statements

A. Please send, where possible, emailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format), as well as the paper copies below.

B. I emphasise the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from a DPD or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Examination is not the place for surprise contributions!

C. None of the statements should be longer than **3,000 words** (1,500 words for new matters or responses to any changes proposed by the Council). 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. Any photographs should be submitted in A4 format and should be annotated (back or front).

D. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Library Index and nationally available Government guidance. However it is essential that statements indicate clearly the paragraph or page of the document that is being relied on. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.

E. Those appearing at **hearings** should send sufficient copies of all statements to the PO for issuing to each participant, plus four (for the Inspector, Council and Library), e.g. if 10 people are listed for a hearing, then the PO will require 14 copies (to include one unbound, for further copying, and one hole-punched, for the Inspector). For any further **written representations** produced by those not appearing at the hearings only four copies of statements (all unbound and just stapled, with one hole-punched) need to be submitted.

F. No statement/piece of paper submitted in advance of, or at the hearings, will be accepted if it fails to be clearly marked, **at the top right hand corner,** with the appropriate Matter No. and the name(s) of the respondent, e.g. **Matter 9/A. Smith**. The Council/NPA Statements should be similarly referenced using "WDC", e.g. **Matter 3/WDC**.

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 session** since this can cause disruption and result in unfairness, and can cause an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations:

- Statements of Common Ground: **in time to feed into Statements**, or by **Friday 16 December 2011.**
- Last date for changing between written representations and a hearing appearance is **Friday 16 December 2011**.
- All Statements: by **Friday 16 December 2011**. Note: the Council's Statements should deal with all my Issues (even if they are not subject to representations).