

GUIDANCE NOTE FROM THE INSPECTOR

August 2012

Introduction

The hearing sessions which are part of the overall Examination into Dacorum Borough Council's Core Strategy (the CS) will open on Tuesday 9 October 2012 at 10.00am in the Bulbourne Room at the Civic Centre, Hemel Hempstead. In this regard, I have prepared schedules of the **Issues and Questions** that I want to discuss which are enclosed with this note together with a draft programme.

The Inspector's Role

1. It is often necessary for a Pre Hearing Meeting (PHM) to be held at which I would explain the purpose of the Examination; the procedures to be followed; the format of further Statements to be submitted; the timetable; and other administrative matters. However, in the interests of efficiency I have decided not to hold a PHM but to provide advice and information through this written note.
2. My task is **to consider the soundness of the CS** based on the soundness criteria set out in paragraph 182 of the National Planning Policy Framework (the Framework) published in 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).
3. I will also consider whether the legal requirements have been met and whether the Council has complied with the duty to co-operate. Appendix A contains a list of useful publications and web sites for advice.
4. I shall aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner. I cannot recommend as 'main modifications' changes that are merely "improvements" to the plan which 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 I shall encourage that where appropriate. Indeed, in submitting a Schedule of Proposed Minor Changes (Document SUB5 - part 2) the Council has already indicated its willingness to actively engage in this area. During the course of the hearing sessions I shall discuss whether any of these are 'main modifications' that must be referred to in my report or 'minor modifications' that the Council is free to make as it wishes since they do not affect the soundness of the CS.

5. Following the close of the hearings, I shall prepare a report for the Council with my conclusions and recommendations. I shall announce the expected date for completion of my report at the last hearing session. The report will deal with broad issues and not with each individual representation. I can only make a recommendation that 'main modifications' should be made for the CS to become sound if the Council requests me to do so in accordance with s20(7C) of the Planning and Compulsory Purchase Act 2004 as amended. Whether that request should be made is something to be discussed during the final hearing session and the Council is urged not to make the request until after that discussion has taken place.
6. I expect that most changes will be of a relatively minor nature. If 'main modifications' are to be recommended, I will need to be satisfied that they have been the subject of both appropriate consultation and, if necessary, revision of the Sustainability Appraisal.

The Programme Officer

7. The Programme Officer (the PO) for the Examination is Ian Kemp. He is not a Council employee and works under my direction. 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.
8. The main tasks of the PO are to act as a channel of communication between myself 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 availability.
9. 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.dacorum.gov.uk/corestrategyexamination>
10. 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 me prior to the hearings should be made through the PO.

The Council's Team

11. The Council's examination team is likely to include:

Rob Jameson – Legal adviser (Partner, Atwaters Jameson and Hill)
Laura Wood – Team Leader, Strategic Planning and Regeneration
Richard Blackburn – Strategic Planning and Regeneration Officer (LDF Support)
Francis Whittaker – Strategic Planning and Regeneration Officer
John Chapman - Strategic Planning and Regeneration Officer
Marguerite Cahill - Strategic Planning and Regeneration Officer
Heather Overhead – Infrastructure Planning Officer

Number of representations

12. 1079 representations were received on the published CS (dated October 2012) from 204 respondents. A further 13 responses were received from 7 respondents following consultation on the Pre-Submission Omissions consultation, increasing the total to 1,092 responses from

204 different respondents. All representations made during the consultation will be taken into account by me in the examination of the CS but only insofar as they relate to my consideration of soundness.

Progressing your Representations

13. **The starting point for the Examination is that the Council has submitted what it considers to be a sound plan. Those seeking changes should demonstrate why the CS is unsound by reference to one or more of the soundness criteria set out in paragraph 2 above.**
14. Respondents may either wish their views to be dealt with in written form (in which case they need take no further action) or they may have requested 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 discussion. Only those parties who have asked to attend and are seeking specific changes to the Core Strategy are entitled to participate at the hearing sessions.
15. The hearing sessions will discuss the issues and questions that I have raised. If you feel that there are important matters that have not been identified for discussion please let the PO know by **Monday 10th September**. Contributions at the hearing sessions should bear directly on the Issues scheduled for discussion and must show clearly both how the CS is unsound and spell out the changes necessary to make it sound.
16. I stress the need for all sides to work together during the Examination process on changes that could be made to the CS whilst avoiding producing so many alterations that they together might render the CS unsound.

The Hearing Sessions

17. A number of different topics will be discussed at the hearings. Each topic or Issue will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by me.
18. The hearings will concentrate on my Issues and Questions for Discussion. If necessary, you may submit supplementary information (restricted in scope to the subject matter of your original related representation) in advance of the hearings – see below. However, I would normally expect your case to be covered in the representation that you have already made – indeed it is these and my own reading of the CS that has led to the framing of the Issues and Questions in the first place. I have a copy of all the representations made. There will be no need to repeat those representations at the hearings. If you intend to rely on any earlier comments, you will need to let me have a copy. The emphasis will be on the soundness criteria in the Framework.
19. 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 on the matters before me. All statements should have been read beforehand by all participants and I will proceed on the assumption that they have been; there will therefore be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other participants. The Programme Officer will provide name boards for each participant, which should be up-ended to indicate a wish to speak. In that way I can invite contributions without overlooking anyone with a point to make. **No more evidence can be submitted once the hearing session has closed unless I expressly invite it. The PO will almost certainly return any that is submitted.**

20. The hearings will be inquisitorial rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report. In order to run efficient sessions I will not permit repetition of points at hearings or accept new evidence unless it has been agreed in advance.
21. Participants may bring professional representatives with them but there is no need for participants to bring advocates/legal representatives with them but, if they do, they may take part as a member of the team, rather than as a traditional advocate, and there will be no formal presentation of evidence/cross-examination. Supporters of the Core Strategy would not normally be expected to participate in the hearing sessions. Participants will be grouped together according to the issues being considered. If several interested parties have the same viewpoint they should appoint one or two spokespersons to represent them at a hearing session. Generally only one seat will be available at the table for each respondent.

The Hearing Programme

22. A draft timetable for the hearings, putting dates and times to the Issues and Questions for Discussion, accompanies this Guidance Note. If you have any queries, please raise them with the PO as soon as possible.
23. Should changes be required to the Programme it will be updated on the Council's web site (see para 9 for details). The PO will also be able to provide information on any changes. However, it will be for individual participants to check on the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
24. The hearing sessions will start at 10.00am and 2.00pm each day. No new session will begin before its stated start time but a later start may be unavoidable if a previous session has overrun. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 1.00pm.
25. Following the completion of the hearing sessions the Inspector will prepare a report to the Council with his conclusions on legal compliance and soundness. The Council should, if necessary, amend the document and move swiftly to its formal adoption.

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), many of which 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 of Common Ground

27. Statements of Common Ground are invited where these would be helpful in identifying points in dispute or not 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, agreed factual information or areas or points of disagreement.
28. **Work on such statements should commence now with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, agreed documents will still be accepted if submitted at least 2 weeks before the relevant hearing session.

Statements

29. All Statements, for both hearing and written representation matters, should be sent to the PO by midday on Friday 21 September. This deadline relates to the receipt of both **paper copies** and electronic copies. The Statements should only address my Issues and Questions. Many of my questions purely seek to clarify what are the Council's intentions and so replies can be very short. The Council's Statements may also include responses to the matters in the original representations and should refer to any Council proposals for minor changes to the text or plans (see also paragraph 32 below). Statements will be placed on the Examination web site. If your Statement refers to specific sites which are not identified in the Core Strategy, it would be helpful if you could attached a map showing the location.

Form of Statements

30. Appendix B of this document sets out the requirements for the presentation of all Statements. Its provisions should be thoroughly read and implemented. Statements that do not comply with these requirements will be returned. Please note the 3,000 word limit.
31. **In the Statements from respondents it would be very helpful for me to have a brief concluding section stating:**
 - What part of the CS is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the CS can be made sound.
 - The precise change and/or wording that you are seeking.

From the Council I require answers to all the matters and issues that I have raised. The Council's response should take the form of a version of my Issues and Questions papers with answers following the related questions. **The word limit will not be strictly applied to the Council's Statements as it is important that full answers are given.**

Suggested Minor Changes

32. I expect that the Council will suggest further minor changes as a result of the discussions that we will have. The Schedule of Proposed Changes will be an evolving document and updated regularly. They can be taken forward by the Council on adoption and need not form part of the Examination.

Site visits

33. Where necessary, I shall visit relevant sites and areas referred to in the representations before, during or after the hearings. If any participant feels that a site visit is essential they should advise the PO. I shall normally carry out site visits on my own.

Finally ...

34. I would like to emphasise:

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

If there are any questions arising from this note they should be passed to me by way of the Programme Officer.

David Hogger

Inspector

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 2004, as amended
- 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: Soundness Guidance [The Planning Inspectorate, August 2009 (2nd Edition)]
- Examining Development Plan Documents: Procedure Guidance [The Planning Inspectorate, August 2009 (2nd Edition)]
- 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 and Evidence Base Documents can be found at:

<http://www.dacorum.gov.uk/corestrategyexamination>

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. I 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 session is 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 Issue as a whole, not for the individual Questions within an Issue. 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. Those submitting statements (or further written representations) should submit **three hard copies** to the PO (for the Inspector, Council, and PO).
- G. All statements should be clearly marked to indicate the name of the representor, the respondent reference, the hearing session to which the statement is directed and the question that is addressed.
- H. 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:
- Statements of Common Ground: in time to feed into Statements or (as a last resort) at least **2 weeks** before the relevant programmed hearing, if agreed.
 - All Statements: by **midday on Friday 21st September 2012**.
 - **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**