

West Berkshire Housing Site Allocations Development Plan Document

GUIDANCE NOTE FROM THE INSPECTOR

29th April 2016

Introduction

The hearing sessions in relation to the Examination into the West Berkshire Housing Site Allocations Development Plan Document (HSADPD) will open on **Tuesday 21st June 2016 at 10.00am** at Newbury Rugby Football Club, Monks Lane, Newbury RG14 7RW. In this regard, I have prepared a schedule of the **Issues and Questions** which are enclosed with this note together with a draft programme. Please note the **different venues for the hearings** on 5th, 6th, 7th and 8th July (Pincents Manor Hotel, Pincents Lane, Calcot, Reading RG31 4UQ) and on 12th, 13th, 14th and 15th July (Shaw House, Church Road, Newbury RG14 2DR).

It is sometimes 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.

The Inspector's Role

1. My task is to consider **firstly whether or not the relevant legal requirements have been met and secondly the soundness of the HSADPD**. The latter is based on the soundness criteria set out in paragraph 182 of the National Planning Policy Framework (the NPPF) published in March 2012. The relevant soundness criteria are whether the HSADPD 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).
2. Appendix A contains a list of useful publications and web sites for advice.
3. 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 DPD which do not affect the

soundness of the HSADPD. The Council is free to make minor changes because they do not affect the soundness of the DPD (see also paragraph 34).

4. Following the close of the hearings (and any consultation on Main Modifications if required), I shall prepare a report for the Council with my conclusions and recommendations. **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 HSADPD 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.
5. If Main Modifications are to be recommended by me, I will need to be satisfied that they have been subject to both appropriate consultation and, if necessary, Sustainability Appraisal.

The Programme Officer

6. The Programme Officer (the PO) for the Examination is Katharine Makant, who works under my direction. Mrs Makant can be contacted on 0776 733 5047 or by e-mail at Katharine.Makant@westberks.gov.uk or by post at Planning Policy, West Berkshire Council, Council Offices, Market St, Newbury RG14 5LD.
7. 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 Mrs Makant beforehand to arrange an appointment.
8. 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:

www.westberks.gov.uk/hsaexamination
9. Any participant who requires specific adjustments in order to participate in 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

10. Although subject to change, the Council's team is likely to include:

Liz Alexander, Planning Policy Team Leader
Paula Amorelli, Principal Planning Officer
Caroline Peddie, Principal Planning Officer
Rachael Lancaster, Senior Planning Officer
Laila Bassett, Senior Planning Officer
Gerry Hamersley, Senior Planning Officer
Alistair Buckley, Senior Planning Officer
Paul Goddard, Highways Development Control Team Leader
Bettina Kirkham/Alison Galbraith, Landscape Consultants

Number of representations

11. 3,017 representations were received on the pre-submission Plan from 1,193 respondents. I have full copies of all representations made during the consultation period and they will be taken into account by me in the examination of the DPD but only insofar as they relate to my consideration of soundness.

Progressing your Representations

12. The starting point for the Examination is that the Council has submitted what it considers to be a sound DPD. Those seeking changes should demonstrate why the DPD is unsound by reference to one or more of the soundness criteria set out in paragraph 1 above. A large number of representations relate to housing allocations or alternative housing sites not being proposed by the Council. **It should be emphasised that:**
 - **I cannot recommend an alternative allocation for development if it can be demonstrated that the Council's proposal is sound; and**
 - **I cannot recommend changes to the adopted Core Strategy, which provides the framework for the HSADPD.**
13. 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 the debate. There is normally no opportunity for participants to read out previously prepared statements.** Only those parties who have asked to attend and are seeking specific changes to the HSADPD are entitled to participate at the hearing sessions.
14. I stress the need for all sides to work together during the Examination process on changes that could be made to the DPD whilst avoiding producing so many alterations that they together might render the DPD unsound.

The Hearing Sessions

15. A number of different topics/settlement proposals will be discussed at the hearings and an Agenda for each session will be available beforehand. 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. Contributions at the hearing sessions should bear directly on the Issues scheduled for discussion and must show clearly both how the DPD is unsound and spell out the changes necessary to make it sound.
16. The hearings will concentrate on my Issues and Questions. 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 paragraphs 28-31 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 DPD 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 in detail those representations at the hearings.**
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 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.

18. 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.
19. 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. No more evidence can be submitted once the hearing session has closed unless I expressly invite it. Any that is submitted will almost certainly be returned by the PO.**
20. Participants may bring professional representatives with them but there is no need for participants to bring advocates/legal representatives 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 HSADPD would not normally be expected to participate in the hearing sessions because it is the responsibility of the Council to 'defend' the DPD. 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, although if necessary participants may 'hot-seat' at an appropriate time. In order to assist the organisation of the hearings please advise the Programme Officer of the name(s) of those people participating.

The Hearing Programme

21. A draft timetable for the hearings, putting dates and times to the Issues and Questions, accompanies this Guidance Note. If you have any queries, please raise them with the PO as soon as possible.
22. Should changes be required to the Programme it will be updated on the Council's web site (see paragraph 8 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.
23. Hearing sessions will start at 10.00am or 9.30am (see draft Timetable) 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.
24. Following the completion of the hearing sessions and if necessary the consultation on Main Modifications, I will prepare a report to the Council with my conclusions on legal compliance and soundness.

The Evidence Base and Examination Library

25. The Council has made its evidence base available in the Examination Library and this is available to view on the Examination website www.westberks.gov.uk/hsaexamination, which will be regularly updated. Hard copies may be viewed during normal office hours at the Council Offices, Market St, Newbury RG14 5LD. 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

26. Statements of Common Ground (SoCG) 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.
27. **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, an agreed SoCG will still be accepted if submitted at least 2 weeks before the relevant hearing session.

Statements

28. All Statements from representors, for both hearing and written representation matters, should be received by the PO by **midday on Monday 23rd May 2016**. This deadline relates to the receipt of both paper copies and electronic copies. The Statements should only address my Issues and Questions as they relate to the objection submitted by the representor.
29. Because the Council is required to respond to all my questions and its workload is therefore high, its Statements must be submitted **at least two weeks before the relevant hearing session**. 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 34 below).
30. 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.**
31. All Statements will be placed on the Examination web site. If your Statement refers to specific sites which are not identified in the DPD, **please attach a map showing the location.**

Format of Statements

32. 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.
33. **In the Statements from respondents it would be very helpful for me to have a brief concluding section stating:**
 - What part of the DPD is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the DPD can be made sound.
 - The precise change and/or wording that you are seeking.

Suggested Minor Amendments

34. I expect that the Council will suggest further minor changes as a result of the discussions that we will have. The Schedule of Proposed Minor Modifications (CD/01/15) will be an evolving document and updated regularly. These changes can be taken forward by the Council on adoption and need not form part of the Examination but I shall consider whether any minor changes proposed by the Council are in fact 'main modifications' that must be published for consultation and be referred to in my report.

Site visits

35. Where necessary, I shall visit relevant sites and areas referred to in the representations before, during or after the hearings. I shall normally carry out site visits on my own.

Finally ...

36. 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 NPPF 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 found at: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (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)
- Planning Practice Guidance (PPG)

C. Plan Making

The Planning Advisory Service web-site www.pas.gov.uk includes a number of documents relevant to plan making.

D. Guidance from the Planning Inspectorate

This can be found at: <http://www.planningportal.gov.uk/planning/plans>

E. Examination and Evidence Base Documents

Many of the above documents and most of the evidence base documents are available on-line on the Council's web site.

The Examination web site can be found at: www.westberks.gov.uk/hsaexamination

The Examination Library can also be viewed in hard copy at the Council Offices, Market St, Newbury RG14 5LD, during normal office hours.

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. Please include the name of the representor, the respondent reference number and the hearing matter number, in the filename.
- 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 NPPF 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:
 - Agreed Statements of Common Ground: in time to feed into Statements or at least **2 weeks** before the relevant programmed hearing.
 - All Statements from representors: by **midday on Monday 23rd May 2016**.
 - **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: Planning Policy, West Berkshire Council, Council Offices, Market St, Newbury RG14 5LD.**