

**CHILTERN DISTRICT COUNCIL
LOCAL DEVELOPMENT FRAMEWORK**

**CORE STRATEGY
EXAMINATION**

**INSPECTOR'S GUIDANCE NOTES FOR
PARTICIPANTS**

Hearings start: 2pm Monday 11 April 2011

Hearing venue:
Council Chamber
Chiltern District Council Offices
King George V House
King George V Road
Amersham
Bucks.
HP6 5AW

Inspector:
Simon Emerson BSc DipTP MRTPI

Programme Officer:
Chris Banks
C/o Banks Solutions
21 Glendale Close
Horsham
West Sussex
RH12 4GR

Telephone: 01403 253148
e-mail: chris.banks@zen.co.uk

1. Introduction

1.1 These Guidance Notes have been prepared by the Inspector to assist those individuals and organisations who wish to be involved in the Examination into the soundness of the Chiltern District Council Core Strategy. All those who wish to participate further in the Examination should read these notes. There will be no pre-hearing meeting. The matters normally covered at such a meeting are set out in these notes. If there are any questions on procedural or administrative matters they should be addressed to the Programme Officer (PO), who will refer them to the Inspector if necessary. Also being distributed at this time is a draft programme for the hearings and a list of the main matters around which the Inspector is focussing the Examination, along with specific questions on each matter.

1.2 Mr Chris Banks is the PO and he is acting as an independent officer of the Examination under the Inspector's direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing timetable, to ensure that all documents received are recorded and distributed, and to keep the Examination Library of Core Documents and statements. The PO does not work full time on this Examination (and has commitments to other Examinations) and so will not always be able to respond to questions immediately. Any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer.

2. The Inspector's role

2.1 The Inspector has to determine whether the Core Strategy meets various legal and procedural tests and whether it is **sound**. To be sound, a Core Strategy should be justified, effective and consistent with national policy.

2.2 Following the close of the hearings, the Inspector will prepare a report for the Council with conclusions on these matters and any recommended changes required to the Core Strategy to make it sound. Any such recommendations for change are binding on the Council, if the document is to be adopted. If there is unsoundness which cannot be remedied by changes (because, for example, there is insufficient evidence on which to base a sound change) the Core Strategy would have to be withdrawn.

2.3 The Inspector will announce at the last hearing session the expected date the report will be sent to the Council. After receipt of the report, the Council is given a 2 week period for a *fact check* - to highlight any factual errors or to seek further clarification of any reasoning - before the final report is issued. It will be for the Council to make any arrangements for the publication of the report thereafter. The Inspector's report will deal only with the broad issues already identified and will not comment on each individual representation. Many of the Inspectors' questions are derived from concerns set out in the representations.

3. The hearings

3.1 The hearings will start on **Monday 11 April at 2pm**. The Inspector has identified the main matters which are to be discussed at the hearings. The allocation of matters to specific hearing days is set out in hearing programme, along with those respondents whose representations appear to relate to that issue and who have indicated that they wish to participate at the hearings. The programme is in draft at this stage. A few parties wish to be heard on topics/policies not encompassed in the main matters. They will be accommodated in short separate hearing sessions on the last day of the hearings, as shown on the programme. On some days there are several, separate hearing sessions. Participants should check the progress of the hearings, either on the Council's Examination webpage or with the PO, to ensure that they are present at the appropriate time. Those who wish to observe a particular hearing should also keep up to date with progress of the hearings, because with the agreement of participants, the timing of hearings may be adjusted during the sessions to make the most efficient use of time.

3.2 A separate hearing session will be held for each of the main matters and sub-matters. The hearings will follow a structured, focussed format with a discussion of the matter led by the Inspector. Most hearing sessions will have a number of participants and all will follow a roundtable format (within the constraints of the accommodation). To make the roundtable format manageable, each respondent can expect to have only one seat at the table. There will be space behind for other members of a respondent's team if needed. The lead spokesperson for a respondent may change during a complex hearing session.

3.3 The purpose of the hearings is to concentrate on the matters that the Inspector needs to explore and clarify, having taken into account all the written material. They are not an opportunity to simply repeat a case already set out in representations. The questions listed under each main issue will form the overall structure for the sessions, but many of the questions may need little further discussion if matters have been adequately clarified in further written statements. The Inspector will prepare a short agenda for each hearing session which will highlight the matters which will be the focus of the discussion. The PO will distribute these to participants a few days before the hearing session and they will be posted on the Council's Examination webpage.

3.4 Before each hearing the Inspector will have read all statements submitted (by the deadline) in response to the questions. Other participants should read such material in so far as they want to participate. (All the statements will be available on the Examination webpage). There will be no formal presentation of evidence. **No new evidence or documents should be submitted at the hearings or afterwards unless specifically requested by the Inspector.**

3.5 The hearings will be inquisitorial, led by the Inspector, rather than adversarial. His aim is to restrict the amount of material to that necessary to come to informed conclusions on the issue of soundness. To keep to the timetable he will need the co-operation of all participants.

3.6 Only those who have made representations relating to unsoundness relevant to the topic under discussion and have indicated that they want to participate at a hearing will be allowed to speak. The hearing sessions are open to all to observe, but questions or comments from non-participants will not be allowed. Those who submitted representations in support of the Core Strategy (and are thus not seeking any change) do not have a right to participate in the hearings on that topic.

3.7 Respondents should have already indicated whether their views should be dealt with in written form or whether they want to discuss them at a hearing session. **Both methods carry the same weight and the Inspector will have equal regard to views put at a hearing or in writing.** Attendance at a hearing session will only be helpful if you wish and need to participate in a discussion on the issue.

3.8 Please inform the PO if you are listed as a participant, but decide not to attend, or if you consider that your representation more closely relates to a different main matter than that for which you are listed as a participant. If any party, who had previously indicated that they did not wish to participate in an oral session in relation to their representation, now wishes to do so, they should inform the PO by **25 February 2011**. This will only be possible if the original representation clearly relates to the matter to be discussed. Clarity about the intended participants is essential for the PO to organise appropriate seating arrangements. If there are many additional participants the hearings may need to be extended into the following week.

4. Responding to the Matters and Questions

4.1 The Council should respond to all the questions listed, with a separate statement for each matter and sub-matter. Many of the questions seek to clarify what are the Council's intentions, whether they are clearly expressed in the submitted Core Strategy and the evidence relied on by the Council to support its approach.

4.2 All responses should be succinct. There is no need to repeat or restate matters set out in supporting evidence, but it should be clear the extent to which reliance is placed on that supporting evidence with cross references to specific parts of the evidence. On some matters, the Council is invited to include a revised wording for a policy in its response, which can be submitted on a without prejudice basis if necessary. On other matters, further reflection by the Council may prompt suggested changes.

4.3 Respondents may submit a further response to the questions, but this must be limited to those questions directly related to the scope of their original representation. A response to the questions is not necessary if

the points have already been adequately covered in the representation. A separate statement for each matter and sub-matter should be submitted. Respondents not participating in the hearings have the same opportunity as participants to respond to the questions, so far as they are relevant to their original representation.

4.4 Those challenging the soundness of the Core Strategy must explain why the DPD is unsound, whether there is a specific change which would make the document sound or whether the unsoundness cannot be remedied and why.

4.5 Some representations seek to advance the merits of particular sites. The Core Strategy makes some site specific strategic allocations and it is clearly relevant to consider whether the Council's choice of such sites is the most appropriate in all the circumstances. However, some alternative strategic sites put forward by representors would involve a fundamental change to the Council's stated overall intentions/strategy because, for example, they are in the Green Belt. If the Inspector were to find aspects of the plan unsound such that an alternative strategy was considered necessary, he would not seek to impose the solution on the Council by identifying any such specific alternative sites. There is unlikely to be adequate evidence and public engagement to enable such a recommendation of this nature to itself be sound. The Inspector would need to pass the matter back to the Council for further work, such as a more fundamental review of the SHLAA and the categories of sites it currently excludes. Accordingly, site specific evidence about such alternatives can only be illustrative of the potential of such alternative sites. The Inspector will have regard to the site specific information already submitted, but is not inviting any further site specific detail on alternatives. Some representations also seek relatively small scale changes to the Green Belt boundary. The appropriateness of the principle of undertaking a small scale boundary review is a matter for discussion. But if the principle is justified, actual changes to the Proposals Map would be for consideration in the Council's Delivery DPD, rather than the Core Strategy.

4.6 All further statements in response to the Inspector's questions must be received by the PO by **5pm Friday 18 March 2011**. Meeting this deadline is essential to allow the Inspector and other participants to prepare thoroughly for the hearing sessions. All statements will be placed on the Council's examination webpage at the same time after the deadline. There is no disadvantage in submitting statements in advance, rather than at the last minute. This would help the PO organise the documents, which is a substantial task. However, those who intend to respond to my questions on housing and overall strategy should be aware that the Council will be publishing further evidence by 25 February.

4.7 Appendix A sets out the requirements for the presentation of all statements. Its provisions should be carefully implemented as otherwise statements will be returned.

5. Statements of Common Ground

5.1 Statements of Common Ground (SCG) are invited where these would be helpful in identifying points not in dispute and 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. Parties who intend to raise any technical/numerical matters should discuss the matter with the Council in advance of producing a response statement. The hearing is not the venue for raising for the first time technical/numerical problems. Any differences in data should be highlighted and explained before the hearings. However, such technical material does not appear to be a significant factor in this Examination.

6. Handling possible changes

6.1 The starting point for the Examination is the Core Strategy as submitted in January 2011. However, at submission the Council included a **Schedule of Minor Changes** (CDN100) which are changes to the document which was published for consultation in October 2010 (CDN098) Provided these changes are only minor and do not change the meaning or application of a policy, they can be incorporated into the Core Strategy without further consultation. The Inspector's preliminary view, subject to any comments to the contrary, is that these changes are minor. Accordingly, the rest of the Examination will be based on the submitted document, as amended by these published minor changes, and these will not be referred to in his report.

6.2 Any possible changes that are more than minor are termed *significant* changes. Any such changes will need to be the subject of appropriate consultation by the Council in due course. It is likely that the nature and extent of all necessary significant changes will emerge only at or after the hearings, with the necessary consultation taking place thereafter.

6.3 The Council may recognise that further changes to the text or wording of a policy are needed. If so, the new wording should be included in the Council's relevant response statement to enable it to be discussed at the hearing. Other possible changes may emerge leading up to and at the hearing sessions. The Inspector may invite discussion of possible changes he drafts or invite the Council to suggest the wording of a possible change following a hearing discussion. Whatever the origin of a possible significant change, it will require appropriate public consultation before the Inspector could consider recommending it in his report.

6.4 Following the hearings, consultation on any possible significant changes will be set out in 2 schedules. Firstly, those that the Council accept or agree are necessary for soundness and secondly those which the Inspector considers are necessary for soundness, but which are not accepted by the Council. If the Inspector's report recommends changes they will distinguished in this way. The Council should be ready to prepare 2 separate schedules of possible significant changes along these

lines, in addition to a 3rd schedule of any further minor changes, post submission.

7. Core Documents and Examination Library

7.1 The Council has prepared an initial list of Core Documents (CDs) that is available on the Examination webpage. This is termed the *Supporting/Evidence Document List*. The PO will send a paper version to anyone who requires it and does not have access to the internet. Most of the documents are available via links from this list on the Council's Examination webpage or can be viewed at the Council's offices.

7.2 The CDs include national Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs), the Council's evidence and other documents at submission. Additions can be made to the CD list as and when other relevant documents are identified. Extracts from CDs should not be attached to statements. The statement should make reference to the relevant document using its CD reference and highlighting particular pages/paragraphs. A regularly updated list will be on the Council's website. A document should not be added to the CD list unless a party is making specific reference to it and the relevant part is highlighted in the statement. The Council's CD list is very extensive and includes documents which are not referred to in the Core Strategy, in Topic Papers or other submissions by the Council. The Inspector will not be reading documents which appear to him to be peripheral background material unless the Council or other party makes a specific reference in their statement to such a document and highlights the critical point relied on from the document.

8. Further evidence

8.1 The Inspector issued 2 Preliminary Notes of questions and concerns and the Council has responded to each (8 and 9 February 2011). These documents are all on the Examination webpage. The Council has indicated that it intends to:

- Review, correct and clarify the Housing Trajectory (CDN089).
- Check the density assumptions in the SHLAA.
- Consider the matters in PPS3 paragraph 33 in relation to the need and demand for housing.
- Update the text in section 4.2 of the Core Strategy.
- Publish the recently completed Townscape Character Assessment.

8.2 The Council will publish this additional material by 25 February 2011 and each item will be made a new core document. This will enable the material to be taken into account by those submitting further statements. The Council has also indicated that it will publish other changes to the text of the Core Strategy, including a change to policy CS2.

9. Site Visits

9.1 The Inspector has already undertaken a familiarisation visit to the main settlements and has looked at the proposed strategic sites and the Green Belt MDS from public vantage points. Similar visits may be made during and after the hearings. If any party wishes the Inspector to view a particular site or location they should advise the PO with a brief explanation of why a visit is necessary and provide a plan. If the Inspector decides take-up any such invitation he will undertake the visit independently where the locations can be adequately viewed from public areas. If it is necessary to enter private land, the Inspector will need to be accompanied by a representative of the landowner and of the Council. Such visits will be arranged during the hearings, but are likely to be required only exceptionally.

Simon Emerson
Inspector
11 February 2011

Attached: Appendix.

Appendix A

Format for all response 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 specified below.
- B. Submissions should be succinct, with the avoidance of unnecessary detail and repetition of the original representation. It is the quality of the reasoning that is important. There is no need for verbatim quotations from the DPD or other sources of policy guidance.
- C. At most Examination hearings to date, there has been imposed a maximum limit of **3,000 words** for each statement on a topic. This also applies in this Examination and any submissions longer than this will be returned by the PO for editing. However, the Inspector expects most contributions from respondents to be much shorter than this limit.
- D. All parties should provide 3 paper copies of their response statements (to include one unbound for further copying, one hole-punched for the Inspector's ring binder and stapled in the top left hand corner and the other 1 only stapled). Statements should be prepared on A4 paper.
- E. 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 Core Documents and nationally available Government guidance. The name of the document, its CD reference and a clear paragraph or page reference is all that is necessary. Any appendices should have a contents page and be paginated. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying. The Council should ensure that sites/locations/projects/documents and so on are referred to in a consistent way throughout its responses. Where sites or locations are referred to which have not previously been shown on a plan in the submitted material, please provide a plan.
- F. No statement/piece of paper will be accepted if it fails to be clearly marked, **at the top, right hand corner**, with the appropriate matter number and relevant respondent reference and name. The Council's Response Papers should be separately referenced CDC, followed by the Issue/sub issue number (e.g. CDC/Matter 5).
- G. All participants should adhere to the timetable for submitting statements. If material is not received by the deadline the PO will assume that you are relying only on the original representations. It would be very helpful for parties to submit statements in advance of the deadline.