

## INSPECTOR'S GUIDANCE NOTE

### *Introduction*

1. The purpose of this note is to assist the Council and those who have made representations as part of the consultation on the *Woking Site Allocations Development Plan Document* (the SADPD), including those who wish to attend the hearing sessions.
2. The Council submitted the SADPD to the Planning Inspectorate on 31 July 2019, at which point the Examination of the plan commenced. The hearing sessions scheduled for weeks commencing 2 and 9 December 2019 are an important element of my examination of the SADPD.
3. This note accompanies the publication of the Matters, Issues and Questions which I have set out following my initial appraisal of the SADPD and the submitted representations (ID/4). A provisional hearing programme is also published alongside this note. (ID/6)
4. I set out below some procedural and administrative matters in respect of the Examination. The note will also establish the context of the provisional hearing timetable and indicate how participants can get involved in the hearing sessions.

### *Examination Website*

5. All relevant documents are available on the Council's Examination website <https://www.woking2027.info/allocations/sadpdsb> . The website includes the Council's submission documents, the evidence base and representations made during the consultation on the SADPD, as well as correspondence between the Council and me. In due course it will include any statements produced by parties in advance of the hearing sessions. It will remain an important source of information during the course of the Examination in general and during the hearings in particular, when updates to the timing of hearing sessions, including any additional days and times may be posted.

### *Hearing Venue and Timings*

6. The Examination hearings are due to take place at the

Council Chamber  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking  
Surrey  
GU21 6YL

7. Hearing sessions will take place Tuesday to Thursday of weeks commencing 2 and 9 December, with the potential for Friday morning sessions on those weeks should discussion on any topics overrun their allotted timings. A *provisional* hearing programme is published alongside this note, and I will issue more detailed timings shortly before the hearings are due to commence.

*The Role of the Inspector*

8. My task in the Examination is to determine whether the SADPD satisfies the legal requirements of the Planning and Compulsory Purchase Act 2004 (as amended) (the Act), and its associated regulations, including whether the Duty to Co-operate has been discharged; and whether it meets the tests of soundness set out in the National Planning Policy Framework (the Framework)<sup>1</sup>. In brief, the tests of soundness require me to consider whether the SADPD is positively prepared; justified; effective; and consistent with national policy.
9. There are three possible outcomes to the examination:
- I find that the SADPD as submitted is sound;
  - I find that the SADPD is not sound but could be made sound by changes (known as "main modifications") if necessary;
  - I find that the SADPD is not sound and could not be made sound by changes.
10. I have set out in a separate document the Matters, Issues and Questions which I intend to pursue during the course of the Examination- which are focussed on the soundness and legal compliance of the SADPD. I will take into account all representations on the SADPD in the Examination, and indeed these have formed, alongside my own preliminary observations, the basis of several of the issues and questions that will be discussed at the hearings, and will be the focus of any submitted statements from the Council and other parties.
11. I am proceeding on the basis that the Council has submitted a SADPD that it considers to be both legally compliant and sound. Representors who have sought changes to the SADPD will need to demonstrate why it does not meet the legal requirements or tests of soundness in order to justify any changes to it.
12. Changes may be suggested by the Council and others during the course of the Examination to address legal compliance or soundness matters. Indeed, with its submission the Council has submitted a table of proposed modifications<sup>2</sup>, which in some instances seeks to address matters arising from representations.
13. As the Council has already requested<sup>3</sup> that I recommend any main modifications to the SADPD necessary to make it legally compliant and sound I will consider the Council's table of modifications and other relevant changes suggested during the course of the Examination on this basis. It is important to note that any modifications I may recommend to the SADPD will only be focussed on areas which I consider to be unsound or where legal compliance could be addressed by such a modification. If I consider elements of the SADPD to be sound as submitted, there is no scope for me to improve those elements or make them 'more sound'.

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<sup>1</sup> At paragraph 35

<sup>2</sup> Document Reference: WBC/SA/002

<sup>3</sup> Set out in its response to my Preliminary Matters Document issued in September 2019 References: ID/1 and WBC/SA/026

14. The Council should keep the table of proposed modifications up to date with any further suggested changes which may arise through the Examination.
15. Any main modifications that I deem necessary will be subject to further consultation, sustainability appraisal and potentially habitats regulation assessment after the hearing sessions have concluded, prior to the finalisation of my report to the Council. The issuing of my report to the Council will mark the conclusion of the Examination.
16. Further details of the Examination process are set out in the Planning Inspectorate's publication *Procedure Guide for Local Plan Examinations (5th Edition)*<sup>4</sup>.

#### *The Role of the Programme Officer*

17. The Programme Officer for the Examination is Chris Banks. During the Examination, Mr Banks will keep in contact with those invited to participate and alert them to any changes to the hearing timetable; he will keep the Examination library up-to-date, including dealing with any requests to see hard-copies of documents; and he will assist me in all procedural and administrative matters related to the Examination. Any questions about the hearing sessions or Examination more generally should be addressed to the Programme Officer in the first instance.
18. Any communication that I request in writing will need to be sent to Mr Banks who will make it available on the Examination website. In proceeding on this basis all communication relevant to the Examination will be publicly available. Outside of the hearing sessions themselves, I will only communicate with the Council and other parties via the Programme Officer.

Mr Banks's contact details are as follows:

Chris Banks  
C/O Banks Solutions  
64 Lavinia Way  
East Preston  
West Sussex  
BN16 1EF

Tel: 01903 783722  
Mob: 07817 322750  
E-mail: [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)

#### *Conduct of the Hearing Sessions*

19. The Matters, Issues and Questions document, which accompanies this note, forms the basis for the programme and discussion at the hearing sessions. The hearing sessions will take the form of a focused discussion which I shall lead based on an agenda published in advance of each session. There will be no cross-examination or formal presentation of evidence. I will be conducting the hearings in a pragmatic and solution-orientated manner and I expect participants and observers to assist me in this

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<sup>4</sup><https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

task by being cooperative and respectful to others involved in the Examination.

20. Although all of the hearing sessions will be open for the public and press to observe, only those respondents who requested changes to the SADPD at the consultation stage have a right to participate at the hearing sessions. In addition, I am able to invite other participants should I consider that this would be of assistance to my examination of the SADPD. It is important to stress, however, that written responses submitted in accordance with the consultation timetable on the SADPD carry as much weight as any oral submissions at the hearing sessions.
21. Notwithstanding any indications that may have previously been made about attendance at the hearing sessions, anyone who has a right to be heard and considers it is necessary for them to participate at a hearing session should confirm their interest in attending to the Programme Officer as soon as possible, and at the latest by **12pm on Friday 15 November 2019, indicating which of the matters you wish to discuss** (which need to be those on which you made representations at the consultation stage). If I do not hear from you by that date, I will assume you will rely on representations made at the consultation stage. It is important to note, however, that written submissions carry as much weight in the Examination as any verbal presentations made at the hearings.
22. At the consultation stage several respondents made substantially similar points on some of the matters and issues that I have identified. It may be necessary at the hearing sessions to group such respondents together to 'share a chair' to aid efficient discussion. If I consider this to be necessary, I will make this clear well in advance of any hearing session which may be affected.
23. A number of responses seek to promote sites that are not included within the SADPD (known as "omission sites"). I am not required at this stage to consider the merits of such omission sites and they will not form the basis of discussions at the hearing sessions. During the progress of the Examination, should a matter of the SADPD's soundness indicate that further sites need to be considered, it will be for the Council to determine which sites should be examined.

### *Hearing Statements*

24. The Council should produce a hearing statement for each of the Main Matters listed in the MIQs. Other representors can submit further statements but it is not a requirement to do so. **Where participants have made representations touching on a number of the matters set out in the accompanying Matters, Issues and Questions document separate hearing statements should be targeted to each main matter.** Where the Council considers that suggested modifications contained in the submitted table adequately address my issues and questions this should be clearly set out in the relevant hearing statements; it would be useful also if other respondents could indicate whether the Council's suggested modifications would address their concerns.
25. Conciseness in submitted statements is essential. To this end, statements should be no longer than **3,500 words**-per main matter - any statements which exceed this limit will be returned. Both the Council and respondents may wish to direct my attention to

parts of previously submitted material they consider relevant- although there is no need for extensive repetition of this material. Technical appendices may be submitted, and if so references to the relevant parts of these appendices should be made in the statements, obviating the necessity for extensive quotes. Similarly, instead of extensive quotations, references to sections of documents on the Examination website, or readily and publicly available material such as legislation, the Framework or Planning Practice Guidance will suffice.

26. For participants seeking changes to the SADPD the hearing statements should focus on the particular elements of the plan that they consider to be unsound or not legally compliant; whether or not the SADPD could be changed to ensure legal compliance and soundness; and the nature of any changes sought to ensure legal compliance or soundness. In framing statements, both the Council and participants should have regard to any relevant issues and questions set out in the Matters, Issues and Questions document.
27. Two paper copies (One only for WBC) together with electronic copies of the hearing statements should be sent to the Programme Officer via the Email and postal addresses set out above by **12pm on Friday 15 November**. This is a strict deadline to ensure efficient progress of the hearing sessions, and any statements received after this date will not be considered. **All statements should clearly set out who is submitting the statement, including the respondent's reference number, and which matter it relates to.**
28. No further written material should be submitted unless I specifically request it during the course of the Examination. I will not consider any unsolicited material which may be submitted which will be returned to the sender.

#### *Site Visits*

29. As part of the Examination I will be conducting site visits in the Borough. At this stage I intend to do those visits unaccompanied, but if at a hearing session it arises that an accompanied site visit is necessary, I will make arrangements with the relevant parties.

#### *After the hearing sessions*

30. The Examination will remain open until I have submitted my report to the Council. I may request further written submissions during this time, but any unsolicited material will be returned to the sender.

#### *Useful Documents and Websites*

- National Planning Policy Framework <https://www.gov.uk/government/publications/national-planning-policy-framework--2#history>
- National Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
- The Planning Inspectorate website <https://www.gov.uk/guidance/local-plans>

- The Planning Inspectorate's Procedural Guidance <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>
- The Planning Advisory Service <https://www.local.gov.uk/pas>

*Conclusion*

31. Any queries regarding this guidance note should be directed to the Programme Officer, Mr Banks, via the contact details given above.

*G J Fort*

INSPECTOR

14 October 2019