

**WOKING BOROUGH COUNCIL CORE STRATEGY DPD EXAMINATION  
NOTES OF PRE-HEARING MEETING (PHM)  
HELD 9<sup>th</sup> February 2012 14.00**

## **1. Introductions**

The Inspector welcomed all present and introduced himself as a Member of the Royal Town Planning Institute and the independent Inspector appointed by the Secretary of State to conduct the Examination into the Soundness of the Woking Core Strategy (CS).

The Inspector also introduced **Mr Chris Banks** as the Programme Officer (PO).

The Inspector explained that since the pre-hearing briefing note had been prepared, aspects of The Localism Act 2011 had come into force; amongst other matters this had changed some terminology and some regulations which applied to the CS Examination.

Attendees were reminded to sign the attendance list.

### **2.a. Inspector and Programme Officer**

The Inspector explained that his role is to consider the soundness of the Core Strategy. In so doing he would consider the representations made by others to the Plan AND any other matters, irrespective of whether any representations have been made, which could indicate that the Plan is unsound.

Following the close of the Examination the Inspector will report to the Council with conclusions and any recommended modifications required to make the CS sound. He will not review in detail the content of individual representations but will concentrate on the main issues which they raise with regard to soundness. The aim is to ensure that the CS provides a sound strategic basis for the future planning of Woking Borough.

The Inspector explained that the scope for making changes to the document is limited. Without suspending the process it is difficult to make changes to the Core Strategy which would affect its substance, and/or prejudice the Sustainability Appraisal or public consultation which has already taken place. The Council could make minor changes, now known as 'additional modifications', but these will be limited in their scope and should not materially alter the policies of the Plan.

Chris Bank's role as Programme Officer is to act as the main point of contact between the Inspector, the Representors, and the Council. Amongst other matters, he will maintain the reference library of Examination Documents which inform the hearing sessions and an updated documents list on the Council's web pages. Any Representor can use the hard copies available at the main Council offices, preferably by prior appointment. Many of the key documents are available via the Council's web site and at main libraries. The PO will also keep the hearings programme up to date and is the person to whom all documents and submissions connected with the hearings should be sent. He will also be the person sending out the hearing session agenda papers and any additional papers for use by people actively participating in the public hearing sessions. He will help resolve queries about the process in general, or representations in particular. His contact details are:

Tel: 01403 253148

Email – [chris.banks@zen.co.uk](mailto:chris.banks@zen.co.uk)

The Council's Team introduced themselves:

1. A Bishop Borough Planning Officer
2. E Amoako Planning Policy Manager
3. D Spinks Deputy Chief Executive
4. L Kidd Senior Planning Officer
5. J Robinson Planning Officer

6. C Ellera Planning Officer
7. R Raynaud Planning Officer
8. G Richards S106 Officer
9. M Haywood Planning Officer

## 2.b. Purpose of PHM

It was explained that the PHM was an opportunity for procedural and administrative matters to be set out and discussed, together with the form and likely content of the programme of hearings. The substance or merits of the Core Strategy itself was not discussed.

## 2.c. Purpose and Scope of the Examination

It was explained that the purpose of the Examination is to examine the soundness of the Core Strategy. The examination process is intended to be as quick and efficient as possible, concentrating on the soundness of the document, having regard to the representations. The Inspector's starting point is that the Council has submitted what it considers to be a sound document and that such soundness is clear from its evidence base. The CS is entitled 'Woking 2027 – Planning the Future of our Borough – Woking Local Development Documents Core Strategy Publication Document July 2011' and has been submitted alongside the Council's 'Proposed Changes to the Core Strategy Publication Document, the Sustainability Appraisal Report and the Proposals Map December 2011'. Others must be able to show that this is not the case by evidence presented either in writing or at the hearings. Those seeking changes to the Core Strategy have to demonstrate why the document is not sound and how the suggested changes would make it sound.

The tests of soundness broadly focus on three main areas:

- Firstly, Procedural: whether the Core Strategy has been prepared in accordance with the Local Development Scheme & Statement of Community Involvement, whether the relevant Regulations have been followed, and whether it has been subject to sustainability appraisal;
- Secondly, Conformity: whether the Core Strategy is a spatial plan consistent with national planning policy and, as far as relevant, in conformity with the Regional Spatial Strategy, having regard to relevant plans and strategies of adjoining areas and the Council's Community Strategy;
- Thirdly, Coherence, consistency and effectiveness: whether the strategies and policies are coherent and consistent and the most appropriate in the circumstances, having considered relevant alternatives; whether they are founded on a robust and credible evidence base, with clear mechanisms for implementation and monitoring and whether the plan is reasonably flexible to enable it to deal with changing circumstances.

It was explained that those seeking changes must demonstrate why the CS is unsound by reference to one or more of the tests of soundness and say what they think should be done to make it sound. Planning Policy Statement 12 offers further guidance.

The Inspector reiterated that his final report does not have to deal with each and every point made in each and every objection – but will focus upon matters which go to the fundamental questions of soundness.

## 2.d. Hearings Procedure and Examination Programme

The Hearing sessions of the Examination into the CS are scheduled to commence at 10.00am on Tuesday 20 March 2012 and a draft programme is in circulation. They will take place in the Council's main Woking offices:

- The hearing format provides an informal setting for dealing, by discussion, with a range of 'matters and issues' identified by the Inspector.
- Only those parties seeking specific changes to the Core Strategy are entitled to attend the hearing sessions.

- There is no need for those supporting or merely making comments on the Core Strategy to attend.
- There should be no automatic need for people pursuing their cases in writing to expand on their original representations because these should have identified the ways in which the Core Strategy is considered to be unsound and what changes are suggested to make it sound.
- Where participants relying on written representations feel that it is necessary for them to put in further material and respond to the Matters and Issues, this must be submitted to the Programme Officer in accordance with the timetable (below).
- The Council will not be asked to respond to each and every representation.
- Representations made orally or in writing carry the same weight and equal regard will be had to each.
- Attendance at the hearings will only be helpful if participants wish to contribute to the soundness debate constructively.
- Participants may bring professional advisers but space around the table will often be limited. There is no formal presentation of evidence or cross-examination and, as the discussion is focussed on the issues identified in the agenda, it is important that the person able to make the most useful contribution should sit forward.
- Relevant parties will be drawn into the discussion to enable representors to air and explain the nature of their concerns and to help the Inspector gain the information necessary to come to a conclusion on the matter/issue.
- If participants find that other people have raised the same issues as themselves, they are encouraged to join forces and appoint a spokesperson. This can save time at the Hearings, by avoiding repetition of arguments, and can result in a more forceful presentation of evidence.
- The Programme Officer will provide name boards for each participant which should be stood on end to indicate a wish to speak. In that way contributions can be invited as the discussion unfolds.

The Inspector explained that he will look to draw participants into discussions at each hearing upon the Matters and Issues at hand

A draft programme of hearings is in circulation. The Inspector identified, due to the level of participant interest and the breadth of matters to be discussed, that it was feasible that the current draft programme relating to Hearing 1 may be reduced with some items being heard upon another day. Any updated programme will be available upon the Council's web site in due course. It will be the responsibility of individual participants to check the progress of the Examination, either on the website or with the PO, and to ensure that they are present at the correct time.

The morning hearings sessions will normally start at 10.00am and the afternoon sessions at 2.00pm. A short break will be taken mid morning and mid afternoon. Lunch will be taken about 1.00pm. It is currently anticipated that there will be 5 non consecutive sitting days.

### **2.e. Representations and the submission of further information**

In making their submissions, representors should have already indicated whether they wish to attend the hearings to discuss their representations or to have their views considered in written form. **Both methods carry the same weight.** Attendance at a hearing session will only be useful if representors wish and need to participate in a debate. If any representor wishes to change their mind about the preferred method of pursuing their representations, they should confirm this in writing or by email to the Programme Officer as soon as possible.

It was explained that the allocation of participants to hearing sessions was ongoing. Those identified on the draft Hearing Programme were asked if, having seen the draft programme, they continue to wish to pursue a duly made representation at one of more of the scheduled

sessions to confirm this in writing or by email with Chris Banks by 23<sup>rd</sup> February so that the numbers for each session can be finalised and practical arrangements made.

If a representor had previously expressed a wish to appear at a hearing session but had not been listed as a participant on the draft hearing programme, they were advised to contact the PO as to which session they would like to attend.

Agents/individuals representing more than one party/client and who may be invited or wish to attend various hearing sessions were asked to advise the PO which sessions they would wish to appear at and the organisation they would be representing.

The Inspector explained that he will be focussing on the Matters that he considered to be the most significant as set out in his schedule of Matters & Issues. The hearing sessions will follow an inquisitorial, rather than adversarial, approach. The original representations made on the Submission Document will largely be taken as read.

It was explained that as the CS is not site-specific, the Examination will concentrate on strategic issues rather than particular sites or particular developments. However, on occasions it may be necessary to touch on site specific matters, for example the town centres or some retail frontages.

The Examination Hearings are not the place to explore concerns with the Council other than relate to the soundness of the document.

The Matters and Issues sought to provide the focus for discussion. These should give every Representor a 'hook' on which to hang the main thrust of their concerns about the CS. If anyone considers that an essential point has been overlooked or omitted then they were advised to please alert the Programme officer in writing or email ASAP and by 23<sup>rd</sup> February; the Inspector will try to work in the point if there isn't already an obvious place for it in the schedule.

A final agenda for each hearing session will be issued approximately 7 days before that session commences. At the start of each hearing session the Inspector will make brief opening comments before inviting individuals to make their contribution in response to the questions posed. People will be drawn into the discussion to enable matters to be clarified and so that firm conclusions can be drawn. There will normally be an opportunity to ask questions of the other side.

Representors have the opportunity to amplify their original representations in response to the Matter and Issues identified. If this is to be done in writing, brevity is essential. The tests of soundness are key and representors should be clear about what should be changed in the CS and how.

The right to appear and be heard at the Hearings applies specifically to those who have made representations that the Core Strategy is in some way "Unsound". Supporters of the plan have no statutory right to be heard but, if considered helpful on a particular topic, the Council may choose to include them as part of their team to explain how and why they support the Council's approach.

Any further statements need to explain:

- Which particular part of the Core Strategy is unsound?
- Which soundness test(s) does it fail?
- Why does it fail?
- How can the Core Strategy be made sound?
- What precise change/wording would rectify the issue?

Relevant statutory and other key bodies been actively engaged in the LDF process. The Council confirmed that it did not intend to call any such body to attend the relevant hearing sessions.

The Council confirmed that there have been 87 objectors raising 353 representations.

The Council indicated that its intended approach to the Hearing sessions would be to ensure its professional officers were present to focus upon the Matters and Issues to be discussed.

With regard to the Council's 'Proposed Changes Document', the Inspector indicated that he was concerned solely with the potential 'main modifications' proposed as they affect the question of soundness. The Inspector asked the Council to review its submitted Changes document with a view to creating a Schedule of Main Modifications that could be used as necessary in his final report. The Inspector identified that modifications, including the minor modifications which the Council could undertake itself, had the potential to require further consultation and sustainability appraisal.

Hearing Statements from the Council and from representors and any amplified written representations also responding to the Schedule of Matters and Issues, should be submitted to the PO by close of business on:

For Week 1 hearings – 6<sup>th</sup> March  
For Week 2 hearings – 13<sup>th</sup> March

It was explained that there is no need for representors to wait for any statements the Council may submit. All Hearing Statements and amplified written representations should address the identified Matters and Issues for Examination. None of the statements should exceed 3,000 words plus essential appendices. It is intended that all submissions will be available on the Council's web pages and form part of the Examination Library.

Nothing should arise at the Hearings which has not been raised in the previous consultations except, possibly, insofar as new national and regional policy or other unforeseen/unfolding events are concerned.

There is no need to prepare a further statement on matters/issues if all the points are already covered in the original representation. Participants were asked to notify the PO if they do not intend to submit any further statements so it is clear their original representation represents their views.

It was explained that Statements of Common Ground can be useful in focusing on the issues in dispute and should be submitted within the above timescale. Agreement should be sought on factual matters which would narrow the areas of disagreement.

The Inspector explained that the hearing statements, amplified written representations and any statements of common ground could enable him to refine and revise the questions to be dealt with at the hearings. Such changes will be kept to a minimum to avoid confusion and would normally be circulated in the hearing session agendas.

The smooth running of the Examination is dependent on everyone sticking to the deadlines set.

#### *Document Copies and Referencing*

The following advice applies:

- A4 portrait format
- An electronic copy of the document in 'Word' format
- 3 copies (unless demonstrably impractical/unreasonable)
- Punched with 2 holes and no wire or comb bindings;
- no more than 3,000 words per Matter;
- identified on top RH corner with:
  - Matter No / Hearing Session title & date
  - Personal Objector Reference No
  - Representation No

Changes proposed to the CS to make it sound need to be spelt out.

## **2.f. Core Documents**

The Council has produced a number of key documents most of which are available on the Council's website. These are known as Core Documents and a list is available. An Examination Library has also been created containing a range of such documents including:

- the development plan
- national policy statements
- any background and topic papers
- supporting core documents
- Council's evidence base documents
- representations made at submission stage

## **2.g. Site visits**

The Inspector indicated that he would be visiting parts of the Borough in order to acquaint himself with the area and the issues it faces. He indicated that he will carry out visits prior, during and after the hearing sessions and that most, if not all, such site visits will be unaccompanied. If, exceptionally, there are areas of private land which representors consider the Inspector needs to see to understand their representations, then details must be sent to the PO to allow suitable arrangements to be made.

## **2.h. Close of the Examination and submission of Inspector's Report**

The Examination formally opened when the Core Strategy was submitted (Dec 2011) and will not formally be closed until the Inspector completes his report – likely to be in May. This will allow further information to be sought if necessary. Further representations or evidence will not be accepted after the hearing sessions have finished unless specifically requested. Any late or unsolicited material is likely to be returned.

## **3. Procedural Questions for the Council**

The Inspector clarified that the Council had provided a written response (ref WBC/03) to the procedural questions identified on the agenda, albeit that he may revisit some aspects during the hearing sessions.

- *The Council confirms that the Core Strategy (CS) been prepared in accordance with the statutory procedures of the 2004 Act and the associated regulations, including in respect of publication and availability of documents, advertisements and notification. (Details are available in the Council's Self Assessment – document reference CD/1 and WBC/02)*
- *The Council considers that it has satisfied the 'duty to cooperate' as indicated by S33A of the 2004 Act and that the CS has taken account of the plans of adjoining local authorities and the County Council. Evidence is available in the self assessment and additional submissions entitled 'Self Assessment of how the Duty to Cooperate Has Been Fulfilled (WBC/01)'.*
- *The CS has been prepared in accordance with the Council's Local Development Scheme (LDS).*
- *The CS has been prepared in accordance with the Council's Statement of Community Involvement (SCI) and met the minimum requirements of the relevant regulations in terms of consultation and publicity. (See the Consultation Statement and self assessment.)*
- *The CS has been subject to sustainability appraisal and a final report of the findings has been produced. (see SA Report)*
- *The CS is in general conformity with the Regional Spatial Strategy albeit confirmation is not possible due to the abolition of the GOSE.*

- *The CS has been screened for likely significant effects on any European Wildlife (Natura 2000) sites within and near the plan area. The screening confirmed that an appropriate assessment is not required. (see Habitats Regulations Assessment Screening).*
- *The CS does not contain a list of superseded saved policies; a list of such policies has now been prepared and is available on the Council's website. (WBC/04)*
- *The CS has taken account of the Council's other plans, including the Sustainable Community Strategy (see Self Assessment on conformity).*
- *The Local Development Scheme provides the programme, which is being met, for the preparation of other DPDs.*
- *The Council is unaware of any fundamental procedural shortcomings.*
- *The Council has also confirmed that the requirements of Regulation 30 (in relation to its consultation and assessment obligations) have been met and that Regulation 34 as relates to the notification/ advertisement of the start of the hearings has been satisfied by advertisement and correspondence. (see WBC/02)*

The Inspector had written to the Council in relation to further information relating to waste management, open space/recreation, heritage matters and how matters relating to monitoring and delivery of the plan objectives are to be fulfilled. The Council indicated that a response would be available on 13<sup>th</sup> February and would be posted upon its web site.

#### **4. Questions**

A number of questions were raised from those present:

The Inspector confirmed that certain Matters and Issues, for example the spatial direction of development and the Green Belt, overlapped. He would seek to avoid repetition. Taking the example given, whilst reference to both matters would be made at Hearings 1 and 2, matters relating to Green Belt would primarily be discussed at Hearing 2.

The Inspector indicated that, based on past experience, if the National Planning Policy Framework was issued prior to the completion of the Examination, a proportionate response may be to allow time for submissions to be made in writing by interested parties as to any potential impact upon the Core Strategy itself.

The Inspector confirmed the need for brevity in additional submissions, including appendices which should be focussed upon the points being made in relation to soundness.

The Inspector indicated he would be prepared to receive additional information on whether the Regulations had been satisfied adequately upon issues of Climate Change.

The Inspector confirmed that the issues of growth within Woking and the infrastructure to support it would be matters for discussion throughout the Hearings; attendance at the relevant sessions for interested participants would therefore be useful.

#### **Summary**

The Inspector identified five summary points:

- **Equal** regard will be had to views put orally or in writing
- **Be succinct**
- **Meet the target dates**
- **Focus on the Matters for Examination and the tests of soundness**
- **Be clear in saying how you think the DPD should be changed**

The Inspector thanked everyone for their attendance and closed the meeting at 15.10