

**WOKING DEVELOPMENT MANAGEMENT POLICIES  
DEVELOPMENT PLAN DOCUMENT  
EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS  
23 MARCH 2016  
Version 1.0**

**Introduction**

1. These Guidance Notes have been prepared to assist those individuals and organisations who are involved in the Examination of the Woking Development Management Policies Development Plan Document (DPD). The DPD was formally submitted to the Secretary of State on 29 February 2016 following a consultation period which took place between 26 October 2015 and 7 December 2015.

**Inspector and Programme Officer**

2. The Secretary of State has appointed the Inspector, David Spencer BA(Hons) DipTP, MRTPI, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), to hold the Examination into the DPD.
3. Mr Chris Banks is the Programme Officer (PO), assisted by Claire Jones-Hughes. He is acting as an impartial officer for 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 programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the Examination Library (mainly in an electronic format) and to assist the Inspector with administrative and procedural matters. Chris will advise on any programming or procedural queries. Any matters which the Council or participants wish to raise with the Inspector should be addressed to the PO. Anyone who requires assistance or special facilities for disabled persons should contact the PO beforehand to enable appropriate arrangements to be made. The PO contact details are:

**Address: Banks Solutions, 64 Lavinia Way, East Preston, West Sussex, BN16 1EF**

**Tel: 01903 783722 or 07817 322750**

**Email: [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)**

**Purpose and nature of the Examination**

4. It is important to note that the "Examination" relates to the whole process of examining the plan, from the time the DPD was submitted to the Secretary of State to the submission of the Inspector's report to the Council. The hearing sessions will commence at 10am on Tuesday 10

May 2016 in Committee Room 2, Civic Offices, Gloucester Square,  
Woking GU21 6YL.

5. The Inspector's task is to consider whether the DPD meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations and whether it complies with the requirements of the National Planning Policy Framework ('the Framework'). These requirements comprise (i) whether the **legal requirements** have been met, whether the Council has complied with the **duty to co-operate**; and whether the plan is **sound**. The Framework indicates that a sound plan is **positively prepared, justified, effective and consistent with national policy**. The Council should rely on evidence collected while preparing the DPD to demonstrate that it meets the requirements of the Act. Those seeking main modifications (changes) to the DPD(those necessary for the plan to be sound or legally compliant) have to demonstrate why the document does not meet the requirements and how the suggested changes would address any failure.
6. The key elements in the Examination process are:
  - The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan;
  - The Inspector has to consider the representations made on the submitted plan;
  - The Inspector is not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements;
  - It is not the Inspector's role to seek to improve the DPD or to make it 'more sound' but to seek to address unresolved issues through round table discussion or consideration of the original written representations.
7. The hearing sessions are intended to be an inquisitorial process under the Inspector's direction. They will address particular topics selected for discussion by the Inspector from the soundness requirements and the representations made at the publication stage and additional pre-hearing consultation.
8. Following the close of the hearings the Inspector will prepare a Report for the Council with his conclusions on legal compliance and soundness. Under section 20(7C) of the 2004 Act the Council has requested the Inspector to recommend any main modifications to the plan that are necessary to make it sound and legally compliant. The Council can make minor changes to the plan at any time up to its adoption. These should not materially affect the substance of the plan, its overall soundness or the submitted sustainability appraisal. They need not form part of the Examination.
9. The Inspector will work with the Council to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan. Any main modifications should include the precise wording of the text and be set out in an Examination document.

10. Further guidance can be found in:

- The Planning and Compulsory Purchase Act (2004) and associated regulations
- The Planning Inspectorate's guidance (See [www.gov.uk](http://www.gov.uk) – planning and development guidance):
- Examining Local Plans: Development Plan Documents: Procedural Practice December 2013 (3rd Edition v2)
- Examining Development Plan Documents: Learning from Experience September 2009 (which highlights experience up to that date)
- The Planning Advisory Service's guidance on Local Planning (<http://www.pas.gov.uk/local-planning>)

### **Representations on the Development Management Policies DPD**

11. 29 respondents made submissions on the published DPD document.
12. Respondents should have already indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. **Both methods will carry the same weight and the Inspector will have equal regard to views made at a hearing or in writing. Attendance at a hearing session will only be useful and helpful if you need to contribute to a debate.**
13. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who propose changes to the DPD. There is no need for those supporting the DPD or merely making comments to take part in the hearings although they may attend as observers. However, the Inspector may invite persons to appear or be heard at the hearings where he thinks they are needed to enable the soundness of the plan to be determined.
14. If any party wishes to change from a written representation to an appearance at a hearing session or, having seen the scale and scope of the representations, to change from an appearance to written representations they should inform the PO by **Tuesday 12 April 2016**. In the interests of fairness to other participants, changes to the method of progressing representations will **not be accepted** after this date.

### **Procedure at the hearing sessions**

15. The hearing sessions for the Examination will commence on **Tuesday 10 May 2016** at 10.00 hours. Subsequent sessions will normally start at 10.00 hours and 14.00 hours with a break for lunch at about 13.00 hours (please check the hearings programme when published). They should finish by about 17.00 hours. If convenient, short breaks will be taken mid-morning and mid-afternoon.

16. The emphasis in the hearing sessions will be on the requirements of s20(5) (a)-(c) of the 2004 Act. The hearings will focus primarily on issues of soundness. There will be a series of hearing sessions based on the matters that the Inspector has identified in a list of Matters, Issues and Questions. It is based on current national planning policies and the Government's Planning Practice Guidance. Any changes to national policy and guidance may lead to amendments or additions to the list.
17. The hearing format will provide an informal setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring with them professional experts but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant's team, as appropriate.
18. Before the sessions the Inspector will set out an agenda with the questions for discussion on each topic. The discussion will focus on the issues identified on the agenda and the questions posed. The Inspector will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. All participants will have an equal chance to contribute and there will be an opportunity to ask questions. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate upon relevant points, as necessary. The Inspector will endeavour to progress the hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, he will aim to minimise the amount of material to that necessary to come to informed conclusions on the issues. It is also important that participants should not seek to introduce new material at a hearing session.

### Hearings programme

19. A draft Programme for the hearings, putting dates and times to the issues and subjects to be examined, will be published as soon as possible. If you have any queries on it, please raise them with the PO. The Programme will be available on the web site, or in paper form from the PO.
20. Every effort will be made to keep to the programme, but late changes may be unavoidable. The PO will inform participants of any late changes to the timetable but it will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.

### Preparation and submission of further material

#### *Documents and Examination Library*

21. The Council has prepared a list of submitted Documents which is available on the Council's website. The Council's evidence base for the Examination is also available on the website. Further documents may be added as the Examination progresses – for example, in response to a request from the Inspector. Participants should ensure that any documents they intend to refer to are included in the list of Examination Documents and they should arrange for any missing documents to be sent to the PO, both electronically (where possible - pdf format is preferred) and in paper format (3 copies required).
22. In addition to the examination documents, the website will contain copies of representations and further statements. The PO will assist anyone wishing to see and/or copy any documents.

*Submission of further statements and other material*

23. The representations made on the submission version DPD should have included all the points and evidence to substantiate respondents' cases and it is **not necessary to submit further material based on the original representations**. Please note that although respondents may have made representations at earlier stages of the plan process, the Inspector only has copies of the representations made at the DPD submission stage.
24. From the representations and evidence before him (including the Council's response to the Inspector's initial observations) **the Inspector is not encouraging the submission of further statements** from either the Council or from those who have made representations.
25. Where, exceptionally, it is considered that further written submissions will be presented, they should mainly be limited to responding to the Inspector's Matters, Issues and Questions for examination. They should not expand on what is in the representations; neither should they stray beyond those issues relevant to each original representation. The only exception will be new matters that have arisen since representations were submitted (for example changes in national or local policy or additional documents added to the Examination Library by the Council) and any modifications that are promoted during the course of the Examination. Respondents may refer to new Documents or new matters in statements they intend to submit in relation to the Inspector's Matters and Issues. All further statements must be received **by noon on Tuesday 26 April 2016**.
26. When submitting further statements respondents should focus on:
- Which particular part of the LP is unsound.
  - Which of the soundness criteria in para 182 of the Framework it fails to meet.
  - Why it fails (point to the key parts of your original representations).
  - How the LP can be made sound.
  - The precise modifications/wording that you are seeking.

27. Where submissions in response to the hearing matters and issues are to be made they should be succinct, avoiding unnecessary detail and repetition. They should set out the fundamental elements of a case, since the hearings are not the place for new points or evidence to be presented for the first time. They should focus on the issues identified by the Inspector and on the tests of soundness, demonstrating why the plan is unsound and how it could be made sound. There is no need for verbatim quotations from the DPD or other sources of policy guidance. 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 documents in the Examination Library. However it is essential that statements indicate clearly the paragraph or page of the document that is being relied on. Anyone submitting appendices with their statements should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.
28. Participants should not include links to web pages in their statements. The content of websites can change and it is important that all parties are clear about what is being referred to. Where it is necessary to refer to a website, an appropriate extract can be included as an appendix to the statement.
29. Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common (or Uncommon) Ground are a useful way of narrowing the issues in dispute, thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They should be submitted in accordance with the timetable for further statements.
30. There is no need to prepare a further statement if all the points are already covered in the original representation. However, participants should inform the PO if they do not intend to submit further statements so that the Inspector will be aware that the original representation will form their views.
31. Those appearing at hearings should send 4 paper copies of all statements to the PO. Where possible the PO should also be sent an electronic copy in PDF format. For any further written representations produced by those not appearing at the hearings 4 copies of statements need to be submitted.
32. Statements should be no longer than 3,000 words per matter (1,500 words for new matters or responses to any modifications). Any submissions which are excessively long or contain irrelevant or repetitious material may be returned by the PO for editing. Statements should be on A4 paper, (3 stapled copies and one unstapled for ease of copying), and not bound; plans or diagrams should fold down to A4 size. All statements should be marked in the top right hand corner with the Matter number,

name and respondent number (listed on the website or available from the Programme Officer).

33. All participants should adhere to the timetable for submitting further statements. They should avoid circulating additional material during the hearings. **Late submissions and additional material are unlikely to be accepted**, since this can cause disruption and result in unfairness, and can cause an adjournment of the hearing. If material is not received by the deadlines stated, the PO will assume that you are relying only on the original representations.

#### **Close of the Examination**

34. The Examination will remain open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

#### **Submission of Inspector's Report to the Council**

35. The date of submission of the Inspector's Report will largely depend on the content, extent and length of the Examination. He will aim to confirm the likely date at the end of the final hearing session.