

Examination of the Hertsmere Revised Core Strategy Development Plan Document (DPD)

Guidance Note – Updated 2 April 2012

The Purpose of this Note

1. The purpose of this note is to explain procedural and administrative matters relating to the examination of the Hertsmere Revised Core Strategy development plan document (DPD). As part of the examination, hearing sessions will commence on **Tuesday 1 May 2012**. A schedule of hearings has been issued separately. A pre-hearings meeting is not being held. Participants are encouraged to make use of the examination website, where most documents can be located. Additional guidance, notably Examining Development Plan Documents: Procedure Guidance (The Planning Inspectorate 2009) can be found at <http://www.planningportal.gov.uk/planning/planningsystem/localplans>¹

The Inspector's Role and the Purpose and Scope of the Examination

- 2 Ms Mary Travers BA(Hons) DipTP MRTPI has been appointed to examine the Revised Core Strategy. Her role is to consider whether or not the Revised Core Strategy (the plan) is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Inspector will focus on the soundness criteria set out in the Government's National Planning Policy Framework (2012), i.e. whether the plan is positively prepared, justified, effective and consistent with national policy. She will also examine whether the plan meets the statutory requirements including compliance with the duty to co-operate. The Council should rely on the evidence collected while preparing the plan to demonstrate its soundness. Those seeking changes should demonstrate why the plan is not sound and why their suggested changes would make it sound.

The Programme Officer's Role

3. Ms Carmel Edwards has been appointed as the Programme Officer, acting as an impartial officer for the purpose of the examination. Her contact details are circulated with this guidance note. Her principal functions are to liaise with all parties to ensure the smooth running of the examination; to ensure that the documents are

¹ The advice in paragraphs 2 and 17-19 of this Note updates the Procedure Guidance, taking the Localism Act 2011 and the National Planning Policy Framework (2012) into account.

recorded and distributed; to maintain the examination library (mainly in electronic form), and to assist the Inspector with procedural matters. She is your first point of contact.

The Examination Process

4. The Inspector will run the examination hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. The aim is to conduct a short but focused series of hearings, leading to the production of a short, focused report.
5. Those who have made representations should have already decided whether their views can be dealt with in written form or whether they need to present them orally at a hearing session. Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.
6. Anyone who has made representations on the Revised Core Strategy (November 2011) and who wishes to take part in a hearing session should confirm their participation with the Programme Officer as a matter of urgency – the Programme Officer has already written to all representors asking for this information. The Inspector will only be hearing those parties who have made such arrangements. It is open to any representor to submit a further statement in advance of the hearings. However this is not a requirement and you may rely on your original representations if you wish.
7. If a further statement is submitted it should be focused on the Matters and Issues that the Inspector has identified. Any such statements should be submitted to the Programme Officer for receipt by **5pm on Friday 13 April**. The requirements for each statement are as follows:
 - Statements should be limited to not more than 3,000 words on any one of the Matters. If more detailed material needs to be submitted (such as statistical information, maps or diagrams) it should be in the form of appendices (see below) but any such material should not duplicate the content of documents already included in the set of Examination Documents on the website.
 - Electronic submission of statements is encouraged: this should be in MS Word or PDF format. In addition, **3** paper copies of statements are required, including one unbound for further copying and the other 2 stapled in the top left corner.
 - A4 size is required, with any plans folded so as not to exceed that size.
 - Paragraph and page numbers should be included.
 - Any measurements should be in metric units.
 - Appendices should have a contents page and pages should be numbered consecutively.

- A separate statement should be submitted for each Matter addressed.
 - Statements should include, at the top of the front page, the appropriate Matter and Issue number, representor reference number and name of representor.
8. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly. The hearings are not the place to introduce arguments or information that ought to have been set out in advance. For the avoidance of doubt, rebuttal statements are not invited from any of the participants but if necessary, the Inspector will seek clarification on any matters in advance of the hearings.
 9. Statements are also required from the Council, setting out its responses to the Inspector's Matters and Issues, explaining why it considers the Revised Core Strategy to be sound in these respects. These statements should be submitted within the same timescale. While it is not necessary to prepare detailed responses to all of the representations made on the Revised Core Strategy (November 2011), the Council may wish to respond to representations that it feels are of particular significance or concern. Further discussion between the Council and representors is strongly encouraged – ideally leading to **statements of common ground**. Please keep the Programme Officer informed about progress with preparation of such statements.
 10. Representors who wish to proceed by written means do not need to take any further action; they can rely on what they have already submitted in writing. However, if any representor wishes to submit further written evidence in support of his/her position, this should be focussed on the Matters and Issues that have been identified – and submitted within the same timescale.
 11. Before the start of the hearing sessions the Inspector may raise questions directly with the Council on any points that are relevant to the examination. Questions about housing provision and other matters have already been raised. These exchanges of correspondence are placed on the website as examination documents. If as a result of these exchanges or any statements of common ground it becomes clear that certain matters are no longer in contention, the hearings programme may be revised and participants will be advised accordingly. Please check the examination website regularly for updated information.
 12. The Government's National Planning Policy Framework (the Framework) was published on 27 March and its Planning Policy for Traveller Sites was published on 25 March. The Inspector has invited representations upon the implications of these policy changes for the RCS examination and will take all such comments into account. However, to avoid imposing unnecessary delay on the examination, the hearings will commence as originally scheduled on Tuesday 1 May. If necessary, to take account of

matters relating to the Framework or the Planning Policy for Traveller Sites, additional hearing sessions may be arranged.

Hearing Arrangements and Procedure

13. The hearing sessions will commence at **10.00 am** on **Tuesday 1 May 2012**. On subsequent days they will commence at 09.30 am. The hearings programme will be circulated separately. However, please note that:
 - The sessions will be held in the Civic Offices, Elstree Way, Borehamwood, Herts WD6 1WA.
 - A short break may be taken mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Where an afternoon session is shown, this will normally begin at 2.00 pm.
 - The hearings will focus on the matters, issues and any further questions outlined by the Inspector. They are public hearings and interested persons are welcome to attend, even if not taking part.
 - It may be necessary to alter the hearings programme from time to time. Please keep in touch with the Programme Officer and check the examination website.
14. The hearings will generally take the form of round table sessions, providing an informal setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring professional advocates and witnesses with them, although there will be no formal presentation of evidence and it is not expected that there will be a need for cross-examination. Please keep the Programme Officer informed about who will be speaking at the sessions. Agendas setting out the order of topics for discussion will be circulated before the hearings, normally about one week in advance of the session. Generally only one seat will be available at the table for each participant but a hot-seating arrangement will be acceptable. Where a number of participants share similar viewpoints it will be helpful if a spokesperson is appointed. Hot-seating for groups of participants may be required if space around the table is limited.

Site Visit Arrangements

15. The Inspector will view relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the land concerned cannot be seen from the public road. In such cases, the Programme Officer will liaise with the parties to make arrangements. Accompanied site visits will not be the opportunity for discussion of the merits of the cases concerned.

Close of the Examination and the Inspector's Report

16. When the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, she will write her

report. The examination itself remains open until the report is submitted to the Council. However, once the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which further comments have been requested. Any unsolicited items will be returned to the sender. The Inspector will announce the likely date of the report's submission at the end of the final hearing session.

17. Assuming that the plan is sound as submitted, the Council should amend the Revised Core Strategy in the light of the report's recommendation and move swiftly to its formal adoption. However if it is not sound as submitted, main modifications that are necessary to make the plan sound will only be recommended by the Inspector if formally requested to do so by the Council.
18. If main modifications are necessary, it is hoped that many, if not most, will be based on proposals put forward by the Council in response to points raised and suggestions discussed during the examination. The Inspector will consider proposed main modifications from the Council in the same way as she will consider those put forward by other parties. Such proposed main modifications should, where appropriate, be subject to the same process of publicity and opportunity to make representations as the submission plan, and may require sustainability appraisal.
19. Minor changes to the plan are known as additional modifications and can be made by the Council on adoption, without the need to be examined. In practice they should be of the nature of corrections and clarifications that do not change the meaning or scope of a policy and would not need to be the subject of consultation or revised sustainability appraisal.
20. For the avoidance of doubt, the Inspector will take into account the Council's Schedule of Proposed Minor Amendments (February 2012) that accompanied the submission plan. The Schedule comprises minor corrections, updating and clarification. Therefore the basis for the examination will be the Revised Core Strategy (November 2011) together with the Schedule.
21. Any queries regarding the examination should be addressed in the first instance to the Programme Officer.