

# Examination into the Hackney Core Strategy DPD produced by the London Borough of Hackney

## GUIDANCE NOTES FOR PARTICIPANTS

### Introduction

1. These Guidance Notes have been prepared to assist participants in the Examination into the soundness of the Core Strategy Development Plan Document (DPD) for Hackney. As part of the examination, hearings sessions will commence in Mid July 2010. A Pre-Hearings Meeting, at which procedural and administrative matters will be discussed, will be held at 10.00 on Wednesday 26<sup>th</sup> May 2010.
2. These notes provide information to all who have made representations on the submitted DPD, whether you wish to take part in a hearing session or rely on your original representations. It is hoped that by providing these notes early in the process they will help make the Pre-Hearings Meeting (PHM) as useful and helpful as possible, as well as providing background information on the approach to examination hearing sessions. An up-dated version will be available after the PHM, reflecting what has been decided at that meeting. Everyone who has made representations may find the attached document entitled A Brief Guide to Examining Development Plan Documents, published by the Planning Inspectorate, useful. The Programme Officer can supply further copies should you need them.

### The role of the Inspector

4. The Inspector appointed to examine this DPD is Mr Michael Hetherington BSC (Hons) MA MRTPI. His role is to consider whether the submitted DPD is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations have been met. In considering whether the DPD is sound they will focus on the tests of soundness set out in paragraph 4.52 of the relevant Government guidance on Local Development Frameworks (PPS12). The Council should rely on evidence collected while preparing the DPD to demonstrate that it is sound. Those seeking changes to the DPD have to demonstrate why the document is not sound and how their suggested changes would make it sound.

### The Programme Officer

5. Mr Simon Osborn has been appointed as the Programme Officer. His main tasks are to liaise with all parties to ensure the smooth running of the Examination, to organise the Hearings Programme, to ensure that all documents received both before and during the Hearings are recorded and distributed, and to keep the Examination Library. Copies of all the Examination documents, including the representation forms and written submissions, will be available in the Examination Library.

The Programme Officer can be contacted on  
Tel. 07710 969411,  
Email; [simon@poservices.co.uk](mailto:simon@poservices.co.uk).  
Post: 1 Lower Farm Cottages, Puttock End, Belchamp Walter,  
Sudbury, Suffolk CO10 7BA.

The Programme will be posted, when available, on the Hackney Council website.

## **PRE-HEARING MEETING**

6. The main purpose of the PHM is to explain and discuss the procedure for the Examination as a whole, including the management of any hearing sessions. The Inspector's list of matters and issues to be examined and a first draft timetable for the hearings sessions will be made available at the meeting.
7. All those who have made representations on the DPD, especially those seeking changes to it, are urged to attend or be represented at the PHM, as this will make the meeting more useful and assist with the subsequent running of the Examination. However, if attendance is not possible it will not prejudice any right to be heard by the Inspector during the Examination. The PHM is not intended as a forum for discussion of the contents or merits of the DPD, these are matters for the Examination itself.

## **THE EXAMINATION PROCESS**

8. The Inspector has already begun his examination of the submitted DPD. His initial list of the main matters, issues and key questions he wishes to deal with in his report will have been derived in part from his reading of the representations and the Council's assessment as set out in their Regulation 30(e) statement. The Programme Officer, in consultation with the Inspector, will produce lists of the representations which fall within or outside each of the identified matters.
9. It should be noted that not all representations will be covered by the list of matters to be examined further. Although the Inspector has to consider the representations this is only insofar as they relate to the tests of soundness set out in PPS12. Unlike the old system, 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 whether the plan is sound.
10. An important difference between the DPD Examination process and the old local plan inquiry procedure is that there is no general opportunity for representors to supplement their representations. Nor is the Council invited to submit evidence to provide further justification for the contents of the DPD. The Inspector will assume this is all part of the submitted evidence base.
11. However, any person or organisation listed as having made a representation on a matter identified by the Inspector is invited to submit a statement addressing the key questions posed by the Inspector in relation to that matter. This material should not amount to substantive new evidence which goes beyond the scope of the original representation.
12. The Inspector will expect the Council to respond to his initial list of matters and key questions on the same basis as all other participants in the process.

### **Methods of examination**

13. The Inspector's initial appraisal of the soundness of the DPD is made from his reading of the plan, the documentary evidence which supports it and the representations made. He may decide that this is sufficient for his purposes or he may consider that a more detailed discussion of the views expressed on a particular matter would be advantageous. In that case, he will arrange a hearing into that matter to which all those who made representations on an issue related to that matter, and have a right to be

heard, will be invited. Most hearings will take the form of round-table discussions chaired by the Inspector.

14. Those who do not wish to participate at a hearing but who have made written representation on the subject matter will still be able to make further written submission on the Inspector's questions should they so choose (see paragraph 10 above) with the timescales set out below. All members of the public are most welcome to attend the hearings as observers.
15. Where no hearing is held into an identified matter the Inspector may still seek further clarification or expansion of aspects related to the soundness of the DPD. In such a situation he will invite written responses to his questions in the same timescale as for the hearing sessions.

### **The submission of statements**

16. All statements including those from the local planning authority in response to the Inspector's list of matters and key questions should reach the Programme Officer by not later than 12 noon on the date given at the PHM
  - They should be clearly marked in the top right hand corner with the relevant matter number and representor reference number
  - They should be limited to not more than 3,000 words on any one of the main matters (if more detailed material needs to be submitted 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 Examination Library
  - Be A4 size with any plans folded so as not to exceed that size
  - Include paragraph and page numbers
  - Show any measurements in metric units
  
  - Appendices should have a contents page and pages should be numbered consecutively. Where these and/or maps and other diagrams contain coloured material additional hard copies will be required and the requisite number should be checked in advance with the Programme Officer.
  
  - A separate statement should be submitted for each matter addressed.
  
  - Six hard copies of any statement should be submitted – with one of these copies being loose leaf. In addition a single electronic copy in MS Word format should be sent to the Programme Officer as an e-mail attachment by the deadline stated above.
  
  - In fairness to all prospective participants, a failure to submit statements by the stated deadline may be taken as an indication that the person or organisation concerned no longer wishes to participate and their original representations will be used to determine their concerns about the submitted DPD.
17. Those participants who have been identified from their representation(s) as having an interest in a matter being discussed at a hearing but who are unable or do not wish to attend the hearing may submit a written response to the Inspector's supplementary questions as set out on the agenda. When the agenda is circulated it will state a date for the return of written responses otherwise it will be the date of the last hearing held.

18. Submissions should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the DPD or other sources of policy guidance and it is vital that the fundamental elements of cases are set out clearly and succinctly. All statements should focus on the issues identified by the Inspector and on the tests of soundness and demonstrate why the plan is unsound and how it could be made sound. All statements should clearly indicate the policy/paragraph/page of the DPD and the relevant soundness test.
19. 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 Ground can be a useful way of narrowing the issues in dispute, and should be submitted within the timescales set out above.

### **Arrangements for hearings**

20. With the draft list of matters and participants the Programme Officer will circulate a short questionnaire seeking confirmation as to whether you still wish to be heard by the Inspector or are content for your representation(s) to be considered in writing. If you elect to be heard this is likely to be done jointly with others who have an interest in the identified matter. There is no right to an individual hearing.
21. On the assumption that a number of hearings will be held, arrangements are being made for these to be during mid July 2010. The exact dates will be announced at the PHM if not sooner.
22. Hearings will be arranged between 10 am on the Tuesday and 5.00 pm on the Thursday in each week. Exceptionally a session may be arranged for Friday morning 9.30 am to 12.45 pm. There will be a one hour break for lunch with shorter morning and afternoon 'comfort' breaks. The length of individual hearings will vary according to the subject matter. A representor or a representative will be expected to attend at the agreed time and will not be given another opportunity should this be missed; the representation will be considered in writing.
23. The finalised programme for the hearings sessions will be issued as soon as possible at which point the Council is required under Regulation 34 to give formal notice of the start of the hearings sessions.

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

24. The hearing sessions will be modelled on the procedures adopted at Examinations-in-Public, and used to examine Regional Spatial Strategies and the old-style Structure Plans. As stressed in PPS12, the Examination is conducted on inquisitorial lines and hearings will be of an informal nature, with no formal representation or cross-examination.
25. Discussion on those matters arising from the Core Strategy will focus on strategic issues, rather than particular sites or proposed developments. It will not normally be appropriate to debate the merits of individual development schemes or address specific land allocations, unless they are of strategic significance to the plan, since the Core Strategy does not deal with this level of detail. Subsequent development plan documents will deal with these matters. Similarly, national and regional policies as such will not be debated, but the Examination will consider the application and

implications of such policies if they directly affect the areas and topics covered by the Core Strategy.

26. The Inspector will prepare an agenda for each hearing raising any supplementary questions which may arise from the statements previously submitted. The agenda and questions are intended to structure and promote discussion at the hearing, and so may not be circulated in advance. There is no requirement for statements of evidence to be produced for the hearings and no new evidence will be accepted on the day. The hearing will be led by the Inspector and will take the form of a discussion around each of the questions set out in the agenda for the session.

### **The Examination library**

27. The Library will be updated and maintained by the Programme Officer during the Examination. It will comprise Reference Documents which are the background material (Planning Policy Statements and so on) and Examination Documents which are the administrative papers (Attendance Sheets, Examination Programmes etc) and documents submitted by the Council and respondents during the Examination period. Where possible electronic copies of library documents will also be available via the Examination website. To ensure availability, anyone interested in viewing any of the documents held in the library should first contact the Programme Officer.

### **Site visits**

28. The Inspector will make site visits before and during the Examination to see areas or sites that have been referred to. It is hoped that most of these will be unaccompanied but if, exceptionally, there are features that cannot be seen without going onto private land, a request for an accompanied visit should be made to the Programme Officer. The visit will then take place with the respondent (or respondent's representative) and a local planning authority officer present. No further discussion on the merits of the respondent's concerns is permitted during the course of the site visit.

### **Close of the Examination**

29. 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**

30. After the Examination has closed, the Inspector will submit his report with binding recommendations to the Council. The date of submission will largely depend on the content, extent and length of the Examination and the Inspector will confirm the likely date at the end of the hearings sessions of the Examination.

### **MISCELLANEOUS MATTERS**

31. A detailed note on 'housekeeping' matters will be circulated after the PHM together with the note of that meeting. During the Hearing Sessions the Programme Officer will have an office at the venue. The Examination Library will be available for inspection at any time prior or during the hearing sessions by arrangement. Reasonable requests for photocopying will be met wherever possible, subject to any charges that the Council

may make. However, please note that requests to assist with producing representors' evidence or copy large volumes of material cannot be met.

32. Any participant who has a disability that could affect their contribution to the Examination should contact the Programme Officer as soon as possible so that any necessary assistance can be provided.