

## GUIDANCE NOTE FROM THE INSPECTOR

### Introduction

The hearing sessions which are part of the overall Examination into the Worcestershire County Council Waste Core Strategy (the WCS) will open on Tuesday 13<sup>th</sup> March 2012 at 10.00am in the Kidderminster Room at Worcestershire County Council Offices, County Hall, Spetchley Road, Worcester, WR5 2NP. In this regard, I have prepared schedules of the **Issues and Questions** that I want to discuss. These are enclosed with this note together with a programme. The schedules will also serve as the agendas for the hearing sessions. In addition, and based on earlier requests, the schedules and programme identify the parties who are invited to appear at the hearings.

### The Inspector's role

1. My task is **to consider the soundness of the WCS** based on the soundness criteria set out in Planning Policy Statement 12 (PPS 12). The relevant soundness criteria are whether the WCS is: 1) *justified* (founded on a robust and credible evidence base; and the most appropriate strategy when considered against the reasonable alternatives); 2) *effective* (deliverable, flexible and able to be monitored); and 3) *consistent* with national policy. Appendix A contains a list of useful publications and web sites for advice.
2. I shall aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner. Those taking part should aim to be cooperative and respectful. I shall not force through what are merely "improvements" to the plan which do not affect the soundness of the WCS. Nevertheless, I anticipate that the Council will wish to respond positively to the concerns of participants wherever possible.
3. Following the close of the hearings, I shall prepare a report for the Council with my conclusions and recommendations. I shall announce the expected date for completion of my report at the last hearing session. The report will deal with broad issues and not with each individual representation.
4. I anticipate that most changes will be of a relatively minor nature. If more significant changes are in prospect, I will need to be satisfied that they have been the subject of appropriate consultation and, if necessary, revision of the Sustainability Appraisal.

### The Programme Officer

5. The Programme Officer (the PO) for the Examination is Ian Kemp. He is not a Council employee and he works under my direction. Mr Kemp can be contacted on 01527 837920, mobile 07723 009166, by email at [idikemp@sky.com](mailto:idikemp@sky.com) or by post at 49 All Saints Place, Bromsgrove, Worcestershire, B61 0AX.
6. The main tasks of the PO are to act as a channel of communication between myself and all parties; to liaise with all parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council's web site (see below). Anyone interested in viewing any of the documents should contact Mr Kemp beforehand in order to ensure availability.
7. During the Examination the PO will be able to tell you how closely the hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly-updated programme on the web site at:

<http://www.worcestershire.gov.uk/wcs-examination>

8. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be made through the PO.

### **Number of representations**

9. 180 representations were received on the published WCS from 93 respondents. A further 33 Representations were received from 22 Respondents in relation to the Addendum to the Submission Document. 9 parties have initially announced their intention to appear at the Examination. All representations made during both consultations will be taken into account by me in the examination of the WCS but only insofar as they relate to my consideration of soundness.

### **Progressing your representations**

10. Respondents have already indicated whether they want their views to be dealt with in a written form or whether they feel that they need to come along and discuss them orally at a hearing session. **Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing.** Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a discussion.
12. The hearing sessions will only discuss the issues and questions that I have raised. In this regard, at the end of certain questions, I have identified parties who have asked to appear and who I feel could usefully contribute to the discussion. They are now invited to attend the hearing sessions. If you feel that there are important matters that have not been identified for discussion, or you are an uninvited representor who feels that they should participate in the hearings, please let the PO know by **Friday 10<sup>th</sup> February 2012**.
13. **My starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. Those seeking changes should demonstrate why the WCS is unsound by reference to one or more of the soundness criteria.**
14. I stress the need for all sides to work together during the Examination process on changes that could be made to the WCS whilst avoiding producing so many alterations that they together might render the WCS unsound.

### **The hearing sessions**

15. A number of different topics will be discussed at the hearings. Each topic will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by me. It is not necessary for those attending to be professionally represented but a professional expert may act for you if you so wish.
16. The hearings will concentrate on my Issues and Questions for Discussion. **If necessary**, you may submit supplementary information (restricted in scope to the subject matter of your original related representation) in advance of the hearings – see below. However, I would normally expect your case to be covered in the representation that you have already made. I have a copy of the representations made at publication and addendum stages. There will be no need to repeat those representations at the hearings. If you intend to rely on any earlier comments, for example from the First Draft Submission stage, you will need to let me have a copy. The emphasis will be on the soundness criteria in PPS 12. Please note that the Issues and Questions papers indicate the parties who are specifically invited to the hearing sessions and the questions that I would like them to address. **They should not produce supplementary information on other questions.**

17. I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the matters before me. All statements will have been read beforehand by me so there will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side. **No more evidence can be submitted once the hearing session has closed unless I expressly invite it.**
18. The hearings will be inquisitorial rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.
19. In order to run efficient sessions I will not permit repetition of points at hearings. A good point made ten times does not become a better point.

### **The hearing programme**

20. A Programme for the hearings, putting dates and times to the Issues and Questions for Discussion, accompanies this Guidance Note. If you have any queries, please raise them with the PO as soon as possible.
21. Should changes be required to the Programme it will be updated on the web site. The PO will also be able to provide information on any changes. However, it will be for individual participants to check on the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
22. The hearings sessions are scheduled to start at 10.00am and 2.00pm each day. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 1.00pm.

### **The Evidence Base and Examination Library**

23. The Council has prepared an evidence base list that will be available in the Examination Library (available to view on request from the PO). The evidence base includes Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs) and other documents to which the parties are likely to need to refer. Most of these will be available on the Council's web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents.

### **Statements of Common Ground**

24. Statements of Common Ground are invited where these would be helpful in identifying points in dispute or not in dispute thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include: agreed wording of a suggested change to a policy criterion, agreed factual information or areas or points of disagreement.
25. **Work on such statements should commence now with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, agreed documents will still be accepted if submitted at least 2 weeks before the relevant hearing session.

### **Statements**

26. All Statements, for both hearing and written representation matters, should be sent to the PO by **midday on Friday 17th February 2012**. This deadline relates to the receipt of both **paper copies** and electronic copies. I will not allow the submission of any further

material based on the original representations. Thus, all further written submissions in the Statements should only address my Issues and Questions. Many of my questions purely seek to clarify what are the Council's intentions and so replies can be very short. The Council's Statements may also include responses to the matters in the original representations and should refer to any Council proposals for minor changes to the text or plans (see also paragraph 29 below). Statements will be placed on the Examination web site.

### **Form of Statements**

27. Appendix B sets out the requirements for the presentation of all Statements. Its provisions should be thoroughly read and implemented. Statements that do not comply with these requirements will be returned. Please note the 3,000 word limit.
28. **In the Statements from respondents it would be very helpful for me to have a brief concluding section stating:**
- What part of the WCS is unsound.
  - Which soundness criterion it fails.
  - Why it fails (point to the key parts of your original representations).
  - How the WCS can be made sound.
  - The precise change and/or wording that you are seeking.

From the Council I require answers to all the matters and issues that I have raised. The Council's response should take the form of a version of my Issues and Questions papers with answers followings the related questions.

### **Suggested changes**

29. I anticipate that the Council will suggest some further changes. I have therefore asked them to place on the WCS web page a Schedule of Proposed Changes. This will be cumulatively listed on a regularly updated basis. Respondents should monitor these in case they wish to comment upon them.

### **Site visits**

30. Where necessary, I shall visit relevant sites and areas referred to in the representations before, during or after the hearings. If any participant feels that a site visit is essential they should advise the PO. I shall normally carry out site visits on my own unless I find that I need to go onto private land.

### **Finally ...**

31. I emphasise:
- that I shall have equal regard to views put orally or in writing;
  - the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further submissions with short appendices, as set out in Appendix B;
  - that you must meet the target date for the Statements; and
  - that your Statement should focus on my Issues and Questions document and the PPS 12 soundness criteria.

Ian Kemp / Andrew Freeman  
5<sup>th</sup> January 2012

## **Appendix A - List of relevant legislation and guidance**

### **A. Legislation**

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004, as amended
- The Town and Country Planning (Local Development) (England) Regulations 2004, as amended

### **B. Government Policy and Guidance**

These can be found by using the search facility on: <http://www.communities.gov.uk/>

- Planning Policy Statement 12: Local Spatial Planning (PPS 12)
- Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS 10)
- Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10

### **C. Plan Making Manual**

The Plan Making Manual accompanies PPS 12. It has been produced by the Government and is delivered via the Planning Advisory Service web site.

<http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

See also: The Principles of Plan-Making:

<http://www.pas.gov.uk/pas/core/page.do?pageId=1786265>

### **D. Guidance from the Planning Inspectorate**

- Examining Development Plan Documents: Soundness Guidance [The Planning Inspectorate, August 2009 (2<sup>nd</sup> Edition)]
- Examining Development Plan Documents: Procedure Guidance [The Planning Inspectorate, August 2009 (2<sup>nd</sup> Edition)]
- Examining Development Plan Documents: Learning from Experience [The Planning Inspectorate, September 2009]

See: <http://www.planningportal.gov.uk>

### **E. Examination and Evidence Base Documents**

The Examination web site can be found at:

<http://www.worcestershire.gov.uk/wcs-examination>

Many of the above documents and most of the evidence base documents are available on-line on the Council's web site at:

<http://www.worcestershire.gov.uk/cms/minerals-and-waste-policy/waste-core-strategy/document-library.aspx>

## **Appendix B - Format for statements**

- A. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the Examination web site as well as the paper copies as detailed below.
- B. I emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation. Important: you should only answer the questions to which your name has been linked in the Issues and Questions for Discussion papers.
- C. It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from the WCS or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Examination is not the place for surprise contributions!
- D. None of the statements should be longer than **3,000 words**. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated (back or front).
- E. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. Those submitting statements (or further written representations) should submit **three hard copies** to the PO (for the Inspector, Council, and PO).
- G. All statements should be clearly marked to indicate the name of the representor, the respondent reference, the hearing session to which the statement is directed and the question that is addressed.
- H. All participants should adhere to the timetable for submitting statements. Late submissions and additional material **are unlikely to be accepted** on the day of the relevant hearing session since this can cause disruption and result in unfairness and the adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on your original representation:
- Statements of Common Ground: in time to feed into Statements or (as a last resort) at least **2 weeks** before the relevant programmed hearing, if agreed.
  - All Statements: by **midday on Friday 17th February 2012**.
  - **It is stressed that this last deadline refers to the receipt of both electronic and paper copies of statements. It is not sufficient to send an electronic copy by this deadline to be followed by paper copies at a later time.**
  - **All paper copies of statements should be addressed to the Programme Officer at the following address:**

**Mr Ian Kemp  
49 All Saints Place  
Bromsgrove  
Worcestershire  
B61 0AX**