

# WYCOMBE DISTRICT LOCAL PLAN EXAMINATION

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## GUIDANCE NOTES FOR PARTICIPANTS

### Introduction

1. I am **Nicola Gulley MA MRTPI**, the Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Wycombe District Local Plan ('the Plan'). This guidance note has been prepared to explain the procedural and administrative matters relating to the examination.
2. The Programme Officer for the examination is **Ian Kemp**. Mr Kemp is acting as an independent officer for the examination, under my direction. He will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting with procedural and administrative matters. Mr Kemp also advises on any programming and procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to Mr Kemp in the first instance, he can be contacted by telephone on 01527 861 711 (Landline) or 0772 300 9166 (Mobile) or by email at [ikemp@icloud.com](mailto:ikemp@icloud.com).

### Purpose and scope of the examination

3. My role is to consider whether the Plan meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework (NPPF).

To be sound the Plan must be:

**Positively prepared** - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

**Justified** - the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;

**Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

4. People seeking changes to the Plan have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to the tests of soundness and legal requirements. However, my report will not refer to representations individually.

## **Changes to the Plan**

5. The starting point is that the Council have submitted a plan which they consider to be sound and ready for Examination. At this stage there are only two means by which changes can be made to the submitted Plan:
  - a) main modifications recommended by the Inspector;
  - b) additional modifications made by the Council on adoption.
6. However, I can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant<sup>1</sup>. Main modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential main modifications must be subject to consultation and further Sustainability Appraisal and may require assessment under the Habitats Regulations.
7. 'Additional modifications' are those changes which do not materially affect the policies in the Plan<sup>2</sup>. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' The Council is accountable for any such changes and they do not fall within the scope of the examination<sup>3</sup>.

## **The Timetable, Matters and Issues for the examination**

8. A draft timetable for the hearing sessions is set out in a separate document which accompanies this guidance. In addition a separate Schedule of Matters and Issues accompanies this guidance note. The matters I have identified in the Schedule will form the basis of the examination going forward.

## **Representations and written statements**

9. The views of representors can be considered in three ways. Representors can:
  - a) rely on the written representation they have already made; and/or
  - b) submit a written statement responding to the Schedule of Matters and Issues; and /or
  - c) participate in the hearing sessions.
10. Everyone who has a duly- made representation about the Plan made during the pre-submission consultation (between October and December 2017) can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. There is no need to prepare a further statement if all the points are already covered in the original representation.
11. For those who do choose to provide written statement:

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<sup>1</sup> Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

<sup>2</sup> S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

<sup>3</sup> 5.27 of Procedural Practice in the Examination of Local Plans June 2016

- A separate statement should be submitted for each Matter identified in the Schedule of Matters and Issues;
  - All statements must be headed with the representor's name and be clearly marked, at the top, right hand corner, with the appropriate matter number and representor ID reference. Please contact the Programme Officer if you do not know your ID number;
  - Statements should be no longer than 3,000 words per Main Matter. The Council may exceed this limit if replying to a large number of issues. Any submissions longer than 3,000 words may be returned by the Programme Officer;
  - Statements must be succinct and respond to the issues raised in the Schedule of Matters and Issues. There is no need to repeat details made in the original representations, although points directly relevant to the question can be summarised and cross references provided where appropriate. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need to include quotations from the Plan or other sources of policy guidance;
  - Supporting material in the form of appendices to statements will not be considered as part of the word count BUT should be limited to that which is essential and should not contain extracts from any publications which are in the Examination Library already – a reference and paragraph or page will suffice. Any appendices should have a contents page and be paginated throughout. Anyone submitting appendices should indicate in their statement which parts they are relying upon;
  - **Please send an electronic copy (via email) and three paper copies (unbound and hole punched) of your statements to the Programme Officer by the deadline.** If you do not have access to the internet/email or you wish to include appendices that cannot be easily sent by electronically, the paper copies must be received by the deadline specified in the Guidance Note and on the website;
  - Paper and electronic copies of all statements must be received by the Programme Officer by 5.00pm on the day of the deadline (see paragraph 12) at the latest. If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided;
12. If you have any queries about the submission of hearing statements please do not hesitate to contact the Programme Officer. **All statements must be received by the Programme Officer by 5.00pm on:**

**29<sup>th</sup> June 2018 for any Matters to be discussed in July**

**17<sup>th</sup> August 2018 for any Matters to be discussed in September**

- If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided. Late submissions or unsolicited material is likely to be returned.

### **Statements of Common Ground**

13. Representors should attempt to reach agreement on factual matters and evidence before the hearings start and I strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the

hearings. Statements of Common Ground can be particularly helpful and are welcomed.

### **Examination Library**

- 14 The website contains the Council's evidence base and documents which are produced during the course of the Examination. It can be viewed at:

<http://www.wycombe.gov.uk/wdlpexamination>

The website will be updated regularly and will contain full details of all of the hearing sessions and their written statements. If you have difficulties accessing the web site please contact the Programme Officer.

### **Participation at hearing sessions**

15. The Hearing sessions are open to all to view. However, only those who have made representations relevant to the matters being discussed and are seeking a change the Plan have a right to appear at the hearing sessions<sup>4</sup>. Please note that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at a hearing session is only necessary if, in the light of the Matters and Issues, you have specific points you wish to contribute.
16. **If you have a right to be heard, and you wish to exercise that right, you should contact the Programme Officer by 5.00pm on Friday 15<sup>th</sup> June 2018 indicating the session you wish to attend. You need to do this regardless of what you may have indicated previously. If you do not contact the Programme Officer by that date it will be assumed that you do not wish to participate.**
17. A final version of the hearing programme will be published on the Examination web site around two weeks before the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the website or with the Programme Officer, and to ensure that they attend at the right time.

### **The hearing sessions**

20. The hearing sessions will start on **Monday 16 July 2018** and will be held in the Council Chamber, Council Offices, Queen Victoria Road, High Wycombe, Buckinghamshire, HP11 1BB. The first session will commence at 1.30pm and finish around 5.00pm. All other sessions will start at 9.30am and 2.00pm each day, with a break for lunch at about 1.00pm, and a finish at about 5.00pm. A short break will be taken mid-morning and mid-afternoon.
21. Please advise the Programme Officer as soon as possible if you have any specific needs in relation to attendance and participation at the sessions.
22. Every effort will be made to keep to the timetable, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, although there may be occasions where it may be necessary to extend the discussion in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable, but it is the responsibility of the participants to keep themselves

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<sup>4</sup> S20(6) of the PCPA 2004

up to date with the arrangements and programme. Participants need to be ready to attend on the reserve dates indicated on the programme – these may be used to complete any unfinished sessions.

22. The hearings will take the form of a round table discussion which I shall lead. The sessions are intended to allow me to explore the matters and issues I have identified in more detail. I will invite specific participants to contribute at particular times but I will welcome comments from any participant as the discussion progresses provided they are relevant. Participants may include professional experts and lawyers as appropriate, but there will be no opportunity for the formal presentation of evidence or the cross-examination of others. I will explore each of the matters and issues as far as I consider necessary, before moving onto the next issue.

### **Site Visits and close of the Examination**

23. I shall visit sites and areas referred to in the representations before, during, or after the hearings. Visits will be conducted on an unaccompanied basis unless I need to access to private land in which case appropriate arrangements will be made.
24. The examination will remain open until my report has been submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

### **Further information**

25. Further information about the examination of Local Plans is contained in the PINs 'Procedural Practice in the Examination of Local Plans (June 2016)' document.

*Nicola Gulley*

Inspector