

PLEASE READ NOW: This Guidance Note will cease to have effect after 29 April 2010 when it will be replaced by the Notes of the Pre-Hearing Meeting

ASHFORD BOROUGH COUNCIL TENTERDEN & RURAL SITES DPD

PRE-HEARING MEETING Inspector's Guidance Notes

The Scope and Purpose of the PHM and examination

The purpose of the pre-hearing meeting (PHM) is to provide an opportunity for procedural and administrative matters relating to the Examination to be explained and discussed. It will not be an occasion for discussion of the merits of the issues to be considered at the hearings.

The Examination of the DPD is intended to investigate whether or not the DPD is sound in relation to the tests of soundness set out in Planning Policy Statement 12 (PPS12). The starting point is the assumption that the submitted plan, together with the schedule of proposed amendments, is sound – that is: it proposes the right actions for the area; it will achieve what it sets out to achieve; and is consistent with national policy.

The Inspector examining soundness is required to consider all representations made to the submission DPD but only in so far as they relate to the satisfaction of legal requirements that the plan should be justified, effective and consistent with national policy. I am not required to consider each and every 'objection' or to report on it. The representations are the starting point for my deliberations but I am able to raise other matters too. Nevertheless anyone who has made a duly-made representation seeking to **change** the DPD has a right to be heard by the Inspector if they have indicated that they wish to be heard. Those wishing to appear at the hearings should have registered their interest by returning the Council's Questionnaire by 16 April 2010. 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.

The Programme Officers

Lynn Freeland and Pam Herapath are the Programme Officers (PO). They are acting as impartial officers of the Examination under my direction and not as employees of the Council. They can be contacted on 01233 330747 or by email at programmeofficer@ashford.gov.uk.

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 are recorded and distributed, and to keep the Examination Library. Copies of the Examination documents are available on the Council's web site <http://www.Ashford.gov.uk - Examination Library Core Documents> and the PO can make available electronic or paper copies on request.

During the Examination the PO will be able to tell you how closely the hearing sessions are following the circulated Programme (when produced). Alternatively, you will be able to view a regularly-updated Programme on the Council's web site. **It is up to individual participants to check the hearings Programme, and to ensure that they are present at the correct time.** Any other

procedural questions or other matters that you wish to raise with me prior to the hearings should be made through the PO.

Hearings Programme

The hearings will run from **Tuesday to Thursday in the fortnight beginning Monday 21 June 2010**. The hearing sessions will normally start at 10.00 and 14.00 each day with a short break mid-morning and mid-afternoon, where convenient. Lunch will be taken at about 13.00.

Procedure at hearing sessions

The hearing format will provide a relaxed and informal setting for dealing with issues by way of discussion that I will lead. Participants may be represented by professional advocates and witnesses if they so wish, but there will be no formal presentation of evidence or cross-examination.

The purpose of the hearings is to concentrate on the issues that I need to hear further about. They are not an opportunity to repeat a case already made in the representations. It is not essential to appear unless you wish to join the discussion, and **I shall give equal weight to views put in written submissions or orally at the hearings**. The discussion will focus on the Issues for Examination, which will be circulated at or shortly after the PHM.

I will start by making a few brief comments on matters I want to cover. If necessary, an agenda will be sent out in advance for those attending. I will direct a question to a person – sometimes the Council representative – to start the discussion in response to points raised. The hearing will then progress under my guidance, drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion and decision on the matters.

The Programme Officer will provide name boards for each participant which should be up-ended to indicate a wish to speak. In that way I can invite contributions as we go along without overlooking anyone with a point to make.

Where several people wish to make similar points, please consider carefully whether your concerns could be dealt with by a group spokesperson. In order to run efficient sessions I will not permit the repetition of points at hearings: a good point made ten times does not become a better point.

The submission of further statements

Your original representations should have included all your points and evidence, which I will have read, and it is not essential to submit further material. Any further written submissions, should you feel it necessary to make them, should only address my Issues and Questions for the examination. Any further statements must be of less than 3,000 words, and must be submitted to the PO by **Thursday 27 May 2010 for Issues programmed for Week 1 of the hearings, and Thursday 3 June for Issues in Week 2**. The Hearings Programme with Issues allocated to hearing sessions, and the names of those wishing to appear, will be sent out shortly after the PHM. Further details about the form of submissions is given in the Appendix.

Suggested changes

The Council has already suggested some minor changes to the Submitted DPD, and others may arise during the examination. Such changes will be listed on the Council's DPD website and regularly updated. Respondents should monitor this regularly in case they wish to comment upon them to the PO.

Alternative or "omission" sites

All alternative sites will need to be subject to Sustainability Appraisal (SA) and public consultation. If the Council has not already assessed the potential of an alternative site in this manner, then the promoter (respondent) will be responsible. Without this work I can take only limited account of the representation.

Core Documents

The Council has prepared a list of Core Documents that will be available in the Examination Library. These are the documents expected to be referred to most frequently and include the Regional Spatial Strategy, national policy documents such as Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs), and other background papers. Extracts of these documents should **not** be attached to statements – a reference to policy or paragraph numbers is all that is required.

The Examination Library will be available at the venue during the Hearings. Anyone wishing to consult the Library during or before the Hearings should contact the Programme Officer. The Core Documents list will be kept updated and is available from the Programme Officer. It is also posted on the website with links to electronic versions of the documents wherever possible.

Site visits

The Inspector will be making unaccompanied site visits before, during and after the hearings, viewing sites from public roads and land. If any sites are not readily visible from publicly accessible land it may be necessary to arrange accompanied visits to them, through the PO.

Inspector's Report

Following the close of the hearings I shall prepare a Report for the Council with my conclusions and any changes required to the DPD. Most changes will be limited to clarification or to dealing with factual updating or correction. I would have to be satisfied that, if any more significant changes proposed, the rights of third parties are not prejudiced by recommendations on matters which would take them by surprise. In certain cases, changes would have to be accompanied by a revised Sustainability Appraisal.

I shall announce the expected arrival date of my Report at the last hearing session. My Report will be binding on the Council which can then formally adopt the DPD, if it so wishes, changed as necessary.

Facilities available at the PHM venue

The PHM will be held in the Council Chamber which is accessible to the disabled and non-fixed seating will be provided. There is Pay & Display parking with designated disabled spaces and level access into the building.

A vending machine and water cooler is available. There is a photocopier available nearby for which there may be a small charge. Other facilities, including a café, are available in the adjacent sports centre. There is also a room available for participants' meetings in the Customer Contact Centre. Contact the Programme Officer for further details.

Finally.....

I emphasise:

- that I shall have equal regard to views made orally or in writing;
- the need for succinctness in any further submissions;
- that you must meet the target for statements of **27 May and 3 June 2010**; and
- that any further submissions should not merely repeat earlier representations but should focus on my Issues and the tests of soundness.

Stephanie Chivers
April 2010

Appendix - Format for statements

Please send, where possible, emailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format), as well as the paper copies below.

I emphasise the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. 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 Core Strategy 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!

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, pages should be numbered and the statements **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated (back or front).

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 including 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, they should respect the aim of succinctness. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying.

Those appearing at **hearings** should send sufficient copies of all statements to the PO for issuing to each participant, plus four (for the Inspector, Council and Library), e.g. if 10 people are listed for a hearing, then the PO will require 14 copies (to include one unbound, for further copying, and one hole-punched, for the Inspector). For **written representations** only four copies of statements (all unbound and just stapled, with one hole-punched) need to be submitted.

All submitted statements/pieces of paper submitted will be clearly marked, **at the top right hand corner**, with the appropriate Issue No. and the name(s) of the respondent, e.g. **Issue 3/ Mr S Jones & Mr B Hewitt** for a statement on Issue 3, on behalf of Mr S Jones and Mr B Hewitt. The Council's Statements should be similarly referenced using "ABC", e.g. **Issue 3/ABC**.

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 session** since this can cause disruption and result in unfairness, and can result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations;

Week 1 Issues - Thursday 27 May

Week 2 Issues – Thursday 3 June