Examination of the Milton Keynes Core Strategy Development Plan Document (DPD)

Guidance Note – 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 Milton Keynes Core Strategy development plan document (DPD). This note replaces ID/3 issued in 2011. As part of the examination, hearing sessions will commence on Tuesday 10 July 2012. A schedule of hearings is being 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

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 Core Strategy. Her role is to consider whether or not the 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. 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. Mr Chris Banks has been appointed as the Programme Officer, acting as an impartial officer for the purpose of the examination. His contact details are circulated with this guidance note. His principal functions are to liaise with all parties to ensure the smooth running of the examination; to ensure that the documents are recorded and distributed; to maintain the examination library

1 The advice in paragraphs 2 and 17-19 of this Note supercedes parts of the Procedure Guidance, taking the Localism Act 2011 and the National Planning Policy Framework (2012) into account.
(mainly in electronic form), and to assist the Inspector with procedural matters. He 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 Core Strategy (Revised Proposed Submission Version October 2010 or the Pre-Submission Version February 2010) or on the Sustainability Appraisal of Reasonable Alternative Sites or the proposed Post-Submission Changes (published for consultation in June and September 2011 respectively) and who wishes to take part in a hearing session should confirm their participation with the Programme Officer as soon as possible. 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 1 June**. 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 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, 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 party wishes to submit further written evidence in support of their 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. A number of questions have already been raised since the plan was submitted in March 2011 and the Council’s responses have been received. These exchanges of correspondence are placed on the website as examination documents.

12. The Government’s National Planning Policy Framework and the Planning Policy for Traveller Sites were published on 27 March and 25 March respectively. The implications of these policy changes for the Core Strategy will be taken into account as part of the examination.

Hearing Arrangements and Procedure

13. The hearing sessions will commence at 10.00 am on Tuesday 10 July 2012. The hearings programme will be circulated separately. However, please note that:
• The hearing sessions will be held in The Milton Keynes Christian Centre, Strudwick Drive, Oldbrook, Milton Keynes, MK6 2TG.
• 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 and issues 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 is likely to be required for certain sessions where a large number is expected. Further advice on such arrangements will be issued as necessary.

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 Core Strategy in the light of the report’s recommendations and move swiftly to formal adoption. However if the plan 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 changes 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 proposed post-submission changes September 2011. Therefore the basis for the examination will be the submission Core Strategy October 2010 together with the post-submission changes September 2011.

21. Any queries regarding the examination should be addressed in the first instance to the Programme Officer.