PLYMOUTH CITY COUNCIL

PUBLIC EXAMINATION OF THE
PLYMOUTH WASTE DEVELOPMENT PLAN DOCUMENT

BRIEFING NOTE FROM THE INSPECTOR FOR THE PRE-EXAMINATION MEETING TO BE HELD AT 11.00 ON WEDNESDAY 14 NOVEMBER IN THE CHARTER ROOM OF THE GUILDHALL, PLYMOUTH, PL1 2AA

The Pre-Examination Meeting

1. The Hearings for the Public Examination are part of the process of achieving The Vision for Plymouth as set down on page 2 of the Core Strategy, and all taking part in the process are encouraged to work positively towards this end.

2. The Hearings into the Waste Development Plan Document (DPD) will open at 10.30am on Wednesday 6 February 2008 in the Reception Room, at The Council House, Plymouth. The purpose of this Pre-Examination Meeting (PEM) is to provide an opportunity for procedural and administrative matters relating to the Examination to be explained and discussed but it will not be the right time for a discussion of the merits of the representations made on the DPDs. This briefing Note has been sent to all those who have made representations on the DPDs.

My Role

3. I am a Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Waste DPD. My task is to consider the soundness of the DPD, based upon the Tests of Soundness set out at paragraphs 4.23 and 4.24 of Planning Policy Statement 121, Local Development Frameworks (PPS12). I start from the presumption that the DPD is sound unless the evidence proves to me otherwise. Further details of the Tests and the Examination process in general, are contained in The Planning Inspectorate’s booklet Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents (particularly section 1.4). An overview of the new process and a ‘frequently asked questions’ (FAQs) page may be viewed at the websites listed below.

4. Following the close of the Hearings I shall prepare a short report for the Council with recommendations, including any changes required to the DPD. This report should be with the Council within 6 weeks of the close of the Hearings, and it will be binding on the Council, which will then move to formally adopt the relevant DPD, changed as necessary to reflect the recommendations in my report.

The Programme Officer

5. As you know, Christine Self has been appointed as Programme Officer (PO). Prior to and during the Hearings she will be at the Examination office with the telephone and e-mail address given on the accompanying letter. Christine is acting as an impartial officer of the Examination, under my guidance and not as an employee of the Council. Her 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

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1 Copies of the Government’s PPSs are available to view in the Examination Library, or on the ODPM website at: http://www.odpm.gov.uk/index.asp?id=1143803
2 Available to view in the Examination Library or at: http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/develop_plan_docs.pdf
available in the Examinations Library⁴.

6. During the Hearings Christine will be able to tell you how closely we are following the circulated programme. You will be able to view a regularly-updated programme on the Council’s web site (see footnote). Procedural questions or other matters that anyone wishes to raise with me during the Hearings should be made through Christine in the first instance.

Consideration of Representations

7. The new Public Examination format is a significant departure from previous Inquiries into objections to Local Plans. These are the key points to bear in mind:

• The Hearings are not planning appeal inquiries;
• The focus is on testing soundness and not responding to objections raised in the representations;
• Those persons and organisations listed in Annex 1 are invited to attend the Hearings and have the opportunity to submit further written evidence to support their case, subject to the limitations mentioned below;
• Those who are not attending the Hearings do not need to submit further written evidence. If they feel further representations are essential, then they must follow the guidance on content and format given below;
• The starting point is that the DPD is sound unless it is shown to be otherwise by the evidence presented in writing or at the Hearing.
• Those seeking changes must demonstrate why the DPD is unsound by reference to one or more of the Tests of Soundness, and propose changes, properly justified and appraised, to make the DPD sound.

8. The Hearing sessions, based on the issues in the Annex, will be led by me and will take the form of a discussion to help me arrive at my conclusions. Those attending the sessions may bring with them professional experts, though there will be no formal presentation of evidence or cross-examination allowed. Barristers and solicitors, if present, will be treated as part of a team. I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. The sessions 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 before me. There will be an opportunity within the discussion to ask questions of the other side.

9. Those who have made representations have initially indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a Hearing session. **Both methods will carry the same weight and I shall have equal regard to views put orally or in writing.** Attendance at a Hearing session will only be useful and helpful to me if you wish to and need to participate in a debate. The reply form at Annex 2 seeks confirmation that, having read this Briefing Note, you still wish to exercise your right to participate in a Hearing session, or whether the changes you seek could be adequately considered in writing.

The Hearings Programme

10. The programme will be finalised three weeks before the Hearing sessions start, and be available on the Council’s website. It will be for individual participants to check the progress, either on the website or with Christine, and to ensure that they are present at the correct time. The Hearing sessions will normally start at 10.30am and continue if necessary with short mid morning, lunch and afternoon breaks. I want the Hearings to be inclusive and therefore I am happy to arrange for evening sessions in order to ensure that everyone has an opportunity to

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⁴ Representations can be viewed at:
www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf
take part. If you would like an evening session, please speak to Christine and we will try to arrange times to suit everyone.

**Submission of Evidence - Content, Format and Timing**

11. I know that the evidence base to support the DPD has been produced with a great deal of involvement by all stakeholders. Therefore, I want to keep the submission of further written evidence to the Hearings to the absolute minimum. Accordingly, these are the key points to remember:

- **Core Documents** are available in the Examination Library, and include the Regional Spatial Strategy (RSS), Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers and any other documents that the parties are likely to need to refer to. Parties do not need to quote extensively from those documents but simply give me a reference to note;

- **Agreed Statements** of common ground between the Council and those seeking changes to the DPDs are helpful to me and should be prepared as soon as possible;

- **Statements that have been requested by the Inspector for a Hearing session** should be sent to the PO no later than 21 December. The Council’s response will be available by 15 January. None of the statements should be longer than 3,000 words. Any submissions longer than this will be returned for editing. The PO will advise how many copies of statements are required in each case;

- **Statement Format** should be A4, printed on both sides, not spiral bound, but punched with two holes, for inclusion in our files. Any photographs should be submitted in A4 format and should be annotated on the back with your ID number and the representation number to which the picture relates. If possible, statements should also be submitted electronically so that they can be included on the Examinations website. No statement/piece of paper submitted in advance of, or at the Hearings will be accepted if it fails to be clearly marked, at the top, right hand corner, with the relevant respondent reference and appropriate matter number;

- **Crucial Information for any statement from representors** is:
  - Which part of the DPD is unsound?
  - Which Test(s), set out in paragraphs 4.23 and 4.24 of PPS12, does it fail?
  - Why does it fail?
  - How can the DPD be made sound?
  - What is the precise change/wording that you are seeking?

**Site Visits, Closure of the Examination and Submission of My Reports**

12. I already know Plymouth well, and I shall visit all those areas referred to in the representations before, during or after the Examinations and unaccompanied by the parties wherever possible. Once the Hearings are over I can receive no further information from any party unless it is something I have asked for. Anything else will be returned to the sender. I will send my report to the Council who will aim to publish it very quickly.

Douglas Machin
Inspector
14 October 2007