

**City of Westminster Council**  
**Examination of Core Strategy Development Plan Document**

**Briefing Note from the Inspector for the Pre-Hearing Meeting to be held at the City Management Suite, 18<sup>th</sup> Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, on 18 June 2010 at 11am.**

**Introduction**

Hearing sessions for the public examination will begin on Tuesday 27 July 2010, at 1000 hours. Hearings will be held in the Inquiry Chamber, 3<sup>rd</sup> Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.

**The Pre-Hearing Meeting (PHM) on 18 June**

This meeting will provide an opportunity for the procedural and administrative matters relating to the Examination to be explained and discussed, including the form and content of Hearing sessions. It will allow everyone, especially those who have requested to speak at the Hearings, to learn what will be expected, and to raise any issues of concern.

The Council will be asked to confirm that procedural and other matters have been addressed (paragraph 3.5, LDFs, Examining DPDs: Procedure Guidance, PINS).

The Hearing sessions, not the PHM, will be the occasion to discuss the merits of the Core Strategy and the issues raised in representations. However, an important subject for the PHM will be the programme for the Hearings, and the formulation of the main matters for discussion. A draft list of matters, and issues arising under each of those matters, will be made available to the PHM for comment.

In addition, the Inspector's note to the Council of 25 May 2010 raised some early concerns about waste management policy and housing policy which could usefully be addressed.

Notes of the PHM will be made available after the event to all those who have made representations on the Core Strategy.

**The Inspector's role**

My task, as defined in the Planning and Compulsory Purchase Act 2004 s20(5)(a), is to examine the Core Strategy and, firstly, check that it complies with legislation. Secondly, I have to determine whether it is "sound". To be sound, a Core Strategy should be justified, effective and consistent with national policy. More detail on legal compliance and the concept of soundness is given in Town and Country Planning (Local Development) (England) Regulations 2004 as amended, & Planning Policy Statement 12: Local Spatial Planning [CD1/10 Examination Library].

The Hearings will be set up to enable me to investigate legal compliance and soundness with those who have made representations on and seek

changes to the Core Strategy, with the Council and with other persons and parties whom I may invite to attend.

After the Hearings, I shall prepare a report for the Council with my conclusions, and any changes which I consider are necessary to achieve soundness. The report will be binding on the Council which should proceed to adopt the Core Strategy including any necessary changes to it.

### **The Programme Officer**

As you will know, Mr Robert Young is the Programme Officer for this Examination. He acts as an impartial officer of the Examination under my direction, even though he will be based in the Council's offices.

His main tasks will be to liaise with all parties to ensure the smooth running of Hearings, to supervise the programme for Hearings, ensure that all written and electronic material is recorded and circulated appropriately, and to oversee the Examination library. Items in the Examination library will be available to the interested public for reference purposes by arrangement with Mr Young.

All procedural questions should be directed to the Programme Officer, and not me. In the interests of fairness and impartiality, I shall avoid speaking privately with any of the parties to the Hearings or members of the general public. Mr Young can be contacted at: [ryoung@westminster.gov.uk](mailto:ryoung@westminster.gov.uk) tel: 020 7641 2457.

The Council's website will also provide information about the Hearings and any changes to the timetable. This can be reached at:  
<http://www.westminster.gov.uk/services/environment/planning/ldf/examination-in-public/>

### **Representations to the Core Strategy**

The publication Core Strategy, Sustainability Appraisal and supporting documents were available for public consultation from 12th November 2009 until 13th January 2010. At the end of this period, the Council was in receipt of 390 duly made representations from 54 respondents. 16 of the respondents indicated that they wished to give evidence orally at the Hearings.

That means that 38 respondents are content for their representations to be made in writing. ***I wish to emphasise that whether made in writing or orally, representations carry equal weight.*** This means that in examining the Core Strategy, I shall have full regard to all written representations. All those who have submitted duly made representations will be given an opportunity to submit additional written material in answer to the questions which I shall raise under specific matters and issues (as described more fully below). All those who have signalled that they wish to be heard at the Hearings will be invited to attend.

### **The Hearing Sessions**

The Hearings will use an "inquisitorial" rather than an "adversarial" approach. This means that legal representation should be unnecessary,

although it is recognised that representors may wish to be professionally represented and this is acceptable. The hearings will proceed by way of an informal, but structured, round-the-table exchange of opinion. I shall ensure that everyone has a chance to express their views and participate in the discussions. The Hearings must also assist me, as the Inspector, to understand whether the submitted Core Strategy is sound. Where there is evidence that the Core Strategy is unsound, I shall expect to hear discussion of any changes which might be considered to make it sound.

My duty is to conduct the Hearings in an efficient and effective manner. To this end, I shall prepare an agenda ahead of the sessions. Agendas will be based on the matters and issues which I have defined and will be available a few days before each session. Participants in the Hearings should direct their contributions to the agenda items, focusing on the soundness or otherwise of the Core Strategy and on any means of removing unsound elements/ securing soundness.

If participants find that other people have raised the same issues as themselves, they are encouraged to join forces and appoint a spokesperson. This can save time at the Hearings, avoiding repetition of arguments, and often results in a more forceful presentation of evidence.

Hearing sessions will start at 10.00 hours on the first day, but may start earlier on subsequent days. ***The programme for the Hearings is susceptible to change, and all participants should keep in touch with the Programme Officer and the website, to ensure that they do not miss their allotted day and time for attendance.***

### **The Examination Library**

Mr Young has already set up the library which contains many of the legislative, strategic and local documents which form the evidence base for the Core Strategy. The principle is that all documentation referred to in the Examination should be available for other interested persons to read. The library may grow as the Hearings proceed. Any additions to it should be given to the Programme Officer with 3 copies and details of electronic links, so that he can record and number them.

### **Changes to the Core Strategy**

The Government's Planning Policy Statement 12 states that the starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. ***I shall seek confirmation at the PHM that the Core Strategy – Submission Draft, March 2010, is the starting point for this Examination.***

Any changes which are put forward to that document should only be put forward to make it sound. Thus minor word changes or changes to make the document "more sound" should not be the subject matter at the hearings.

It may be necessary to update the Core Strategy because national planning policy has changed (eg. new Planning Policy Statements 5 and 25 were issued in early 2010 and the General Election in May produced a

new Government). I recognise that such changes may generate a need for either major change (to achieve soundness) or minor change, to ensure that the correct policy statements are referenced.

If substantial changes are proposed to achieve soundness, the requirements for public consultation and sustainability appraisal (SA) will have to be considered before the changes are progressed. Additional public consultation or SA can lead to the need for adjournments and delay the process of examination.

In my experience, there may be changes which would achieve soundness but would not require adjournments to the Examination. Potential changes should be specified at the earliest possible stage and discussed with the relevant parties, notably the Council. This approach should mean that in some cases, appropriate changes come forward with agreement among the parties. A process of early negotiation can save time at the Hearings and overall.

### **Further Written Statements**

No additional written material should be submitted until the Inspector requests them. After the PHM, when the matters for discussion at the Hearings have been formalised, I shall invite representors and the Council to submit statements which relate to the matters of concern. I shall identify the key issues under each matter and ask a series of questions which the statements should address. At the end, the statements should specify any changes to the Core Strategy which are considered necessary to make it sound.

The statements should be as short and sharp as possible. Experience suggests that there is no need for them to exceed 3,000 words. All statements should be clearly marked with the representor's name and the reference number should be shown on the top right hand corner of each page. It should be clear to which Matter the statement relates. A4 paper size should be used throughout. If references to external documents which are not contained in the Examination Library are made, the source should be clear to the reader and **short extracts only** should be attached as appendices to the statement.

### **Site Visits**

I shall be carrying out site visits before and during the Hearing sessions. These will be carried out on an unaccompanied basis unless it is necessary to go on private land to see the relevant features. If accompanied visits are deemed necessary, I should be accompanied by a representative of the landowner and the Council. Arrangements for any accompanied visits should be made through the Programme Officer.

Jill Kingaby BSc(Econ) MSc MRTPI  
INSPECTOR

June 2010