

## Guildford Development Management Policies Examination Examination Guidance Note

8 September 2022

### INTRODUCTION

This note has been prepared by Planning Inspector David Reed BSc DipTP DMS MRTPI who has been appointed by the Secretary of State for Levelling Up, Housing and Communities to carry out an independent examination of the Guildford Borough Local Plan: Development Management Policies (the DMP). The note provides guidance to representors who wish to be involved in the examination process.

### PROGRAMME OFFICER

The Programme Officer for the examination is Robert Young, who works independently of the Council under my direction. Robert is responsible for organising the administration of the examination and acting as a channel of communication between myself, the Council and interested parties to ensure its smooth running. Robert is also responsible for ensuring that documents are circulated to relevant parties as required and that the document library and other information on the examination section of the Council's website is kept up to date.

Any procedural or other matters that you wish to raise during the examination should be raised through Robert whose contact details are as follows:

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Guildford Development Management Policies Examination  
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### THE SCOPE AND PURPOSE OF THE EXAMINATION

The purpose of the examination of the DMP is to determine whether it satisfies the legal requirements under the 2004 Act and associated regulations, whether the Council has complied with the duty to co-operate and whether the plan is sound. **To be sound the DMP must be positively prepared, justified, effective and consistent with national policy.** The starting point is the assumption that the Council has submitted a plan it believes to be sound. The examination is not an opportunity to 'improve' the plan for other reasons.

**It is important to note that the DMP follows the adoption of the Guildford Borough Local Plan: Strategy and Sites (the LPSS) in April 2019. The LPSS sets the planning strategy for the Borough over the period to 2034 and this includes the spatial strategy and allocations for meeting the housing and other needs of the area.**

**The examination of the DMP is not an opportunity to revisit the matters which have been determined by the LPSS. As a non-strategic, subsidiary plan the role of the DMP is to provide a suite of detailed development management policies to support the implementation of the LPSS. It follows that the DMP must be consistent with the LPSS, albeit providing more detailed or additional policy where necessary.**

**It is appreciated some representators have specific land or development interests in the Borough. However, the examination will not consider the application of the DMP or individual policies to specific sites or schemes, nor arguments which are advanced for site specific reasons. The merits of the policies will be considered on a generic basis only.**

**It is also important to note in respect of Policy ID11: Parking Standards that the examination will not consider the draft Parking SPD, only the content of the DMP. The Parking SPD is a matter for the Council.**

The plan to be examined is the Submission Local Plan dated June 2022, exactly the same document as the Proposed Submission version published in January 2022.

The Council has prepared 'Additional Modifications comprising of minor modifications to and errata for the Proposed Submission Local Plan: Development Management Policies (2022)' (Core Document CD005) in the light of representations and to correct some errors, and this contains a series of changes the Council proposes to make to the plan. The resulting tracked change version of the plan has been published as CD006. These documents have been carefully considered and the preliminary view reached that, whilst providing clarification in some instances, the proposed changes do not materially alter the policies of the plan. As such these alterations can be considered a part of the plan under examination and, unless subsumed into main modifications in due course (see below), are a matter for the Council to progress along with any other changes of a minor nature.

All written representations made on the Proposed Submission Plan will be taken into account, but my report will not deal with every point that has been made. The examination relates solely to legal requirements and the soundness of the plan and as such only these matters will be covered in my report. The Council and parties who are seeking changes to the plan (i.e. those who have made an objection) will have the opportunity to put forward their views during the examination, but it is important to stress that the written evidence already submitted carries as much weight as verbal evidence given at the hearing sessions.

Those who have made representations supporting the DMP do not have a right to speak at the hearing sessions. The Council has submitted the plan for examination and can be expected to be able to explain and support its provisions. It is not therefore necessary for those who support the plan to speak at the examination although I may agree to an exception if this would be helpful to the examination hearings.

The examination will end when my report is submitted to the Council. The potential outcomes for the examination are:

(a) The Council has complied with the duty to co-operate, the plan satisfies the legal requirements and is sound. In this case I would recommend that the plan be adopted without main modifications.

(b) The submitted plan does not satisfy the legal requirements or is unsound in some way,

but with further modifications these matters could be addressed. In these circumstances the Council has asked me to recommend main modifications to make the plan legally compliant and/or sound so it can be adopted.

(c) The third scenario is that these requirements have not been met and it would not be possible to modify the plan to make it legally compliant and/or sound. In this case I would recommend that the plan is withdrawn.

Any modifications I recommend would be limited to those required to address matters of legal compliance or soundness. These are known as 'main modifications' (MMs) and would be published for a minimum of six weeks public consultation prior to being finalised.

## THE HEARING SESSIONS

From my reading of the DMP, its supporting documentation, the representations received and the Council's responses, a number of matters and questions (MQs) have been identified that potentially involve soundness issues and thus require discussion during the examination hearings. There will also be an opportunity for other issues to be raised if participants consider the DMP is not sound in some other respect although the matter must already have been raised in a representation on the Proposed Submission plan. The MQs are set out in the accompanying document together with a preliminary timetable for the hearing sessions. These are planned to be held in the Council Chamber at Millmead House, Guildford commencing at **10am on Tuesday 15 November** and will continue as necessary that week. There will be an opportunity if necessary to attend in a 'virtual' capacity. Further details of how to join and participate in these events will be issued in due course.

The hearing sessions will take the form of a discussion, led by me, during which the Council and other participants will be invited to put forward their views and to elaborate upon their written submissions. The hearing sessions will be livestreamed to interested parties through the examination website but will not be available after the event. Only participants who have been invited – those who have made representations on the matter under discussion and wish to be involved – will be allowed to speak. Hearing participants will be given a full opportunity to contribute their views on relevant matters but there will also be a need to use hearing time efficiently for the benefit of all concerned.

The hearing sessions will commence at 10.00 am each day in accordance with the published timetable. There will be a short break mid-morning and a longer break around lunchtime. If there is a full afternoon session there will be a further short break mid-afternoon.

The preliminary timetable for the hearing sessions has been circulated with this note, but it may well be necessary to amend this in the light of the number of participants who wish to take part in the sessions or for other reasons. Whilst the Programme Officer will endeavour to keep people informed of any changes, it is the responsibility of participants to keep in contact and ensure they attend the appropriate sessions. The participants for each session will be those who made relevant representations on the DMP and who have confirmed to the Programme Officer that they wish to speak.

**All those who wish to speak at the hearing sessions should confirm this in writing to the Programme Officer by 5.00 pm on Friday 30 September 2022, stating clearly which specific policies they wish to discuss.**

If you do not contact the Programme Officer by 5.00 pm on Friday 30 September 2022 it will

be assumed you do not wish to speak at the hearings and will rely on your written submissions. A finalised timetable and list of participants will be circulated prior to the hearing sessions and only those on the list will be allowed to speak.

Where several individuals or developers have made similar representations on a topic they are encouraged to appoint a common representative to avoid unnecessary repetition.

## THE EXAMINATION LIBRARY AND AVAILABILITY OF DOCUMENTS

All documents associated with the examination are available on the Council's website and this will be kept up to date. The Council has produced a range of background papers and supporting documentation and these are available together with the representations made on the Proposed Submission version of the plan (CD013 and CD014) and the consultation statement summarising the responses received (CD019). **The attention of representors is specifically drawn to Appendix 6 of document CD019 which lists the main issues raised in the pre-submission consultation and sets out the Council's response to each of these issues. This will form the basis of the Council's case at the examination hearings and may address representor's concerns.**

The latest hearing timetable and list of participants will be on the website, together with any further documents prepared to assist the examination, the hearing statements submitted by participants and any correspondence between the Inspector and the Council.

If you have any difficulties accessing the examination website please contact the Programme Officer or the Council.

## THE SUBMISSION OF HEARING STATEMENTS AND FURTHER MATERIAL

The Council is asked to provide a full written response to all the MQs, addressing the relevant points raised by representations. These should include specific references to supporting evidence or existing documents as necessary.

Other participants may, if they wish, submit written statements addressing the MQs for the sessions they are attending to reinforce their existing representations. However, there is no requirement to do this and participants may rely on the submissions already made. There is no need to repeat points already made. Any statements should be succinct and there is no need to include extracts from the plan or examination documents as references will suffice. Appendices should be kept to a minimum. Those not participating in the hearings may also submit further statements addressing the MQs for the consideration of the Inspector.

Written statements should be submitted to the Programme Officer electronically. For both the Council and other participants, **the deadline for the receipt of any further written statements is 5.00 pm on Friday 21 October 2022.** The person or body submitting the representation should make it clear which specific policy is being addressed, **with a separate statement for each policy.** Those commenting on several policies should not combine them into a single statement. In order for the hearing sessions to proceed as planned, late statements will not be accepted. Statements will be posted on the examination website and thus made available to other hearing participants and interested persons.

After this, no further opportunity will be provided for additional statements or further documentation unless this is specifically requested by me. In particular, there is no scope to

produce rebuttal statements responding to the views of other participants and no opportunity for further statements or written information to be submitted at the hearing sessions.

#### SUMMARY/KEY POINTS

- The MQs paper sets out the key questions for consideration during the examination
- The hearing sessions will begin at 10.00 am on Tuesday 15 November 2022
- A preliminary timetable has been published for the hearing sessions
- All those who wish to speak at the hearing sessions must confirm this in writing to the Programme Officer by 5.00 pm on Friday 30 September 2022, identifying the specific policies concerned
- A finalised timetable and list of participants for the hearings will be confirmed in due course
- Participants who wish to submit further written statements to address the MQs should do so by 5.00 pm on Friday 21 October 2022 with a separate statement for each policy
- All documentation relevant to the examination is available on the Council's website
- Any queries should be directed to the Programme Officer – Robert Young

*David Reed*

INSPECTOR  
8 September 2022