

**Inspector:** Kenneth Stone BSc(Hons) DipTP MRTPI

**Programme Officer:** Charlotte Glancy

C/O Banks Solutions  
Flat 3 Stanmore House  
118-120 High Street  
Billingshurst  
RH14 9QS

**Email:** [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)

**Employment and Industry Review Website:** <http://www.wandsworth.gov.uk/employmentlandreview>

---

## **WANDSWORTH LOCAL PLAN: EMPLOYMENT AND INDUSTRY DOCUMENT**

### **EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS**

**1 December 2017**

Version 1.0

#### **Introduction**

1. These Guidance Notes have been prepared to assist those individuals and organisations who are involved in the Examination of the Wandsworth Local Plan: Employment and Industry Document (LPEID). The LPEID was formally submitted to the Secretary of State on 13 October 2017 following a consultation period which took place between 10 March 2017 and 28 April 2017.

#### **Inspector and Programme Officer**

2. The Secretary of State has appointed me, Mr Kenneth Stone BSc (Hons) DipTP, MRTPI, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), to hold the Examination into the LPEID.
3. Ms Charlotte Glancy of Banks Solutions is the Programme Officer (PO). She is acting as an impartial officer for the Examination under my direction. The main tasks of the PO is to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the Examination Library (mainly in an electronic format) and to assist me with administrative and procedural matters. Charlotte will advise on any programming or procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to the PO. Anyone who requires assistance or special facilities for disabled persons at the hearings should contact the PO beforehand to enable appropriate arrangements to be made. The PO contact details are:

Ms Charlotte Glancy  
C/O Banks Solutions  
Flat 3 Stanmore House  
118-120 High Street  
Billingshurst  
RH14 9QS  
Tel: 01403 783276  
M: +447519 628064  
[bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)

## Purpose and nature of the Examination

4. It is important to note that the "Examination" relates to the whole process of examining the plan, from the time the LPEID was submitted to the Secretary of State to the submission of my report to the Council. The hearing sessions will commence at **10am on Tuesday 20 February 2018** in Committee Room 123, The Town Hall, Wandsworth High Street, London SW18 2PU.
5. My task is to consider whether the LPEID meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations. These requirements comprise whether the **legal requirements** have been met, whether the Council has complied with the **duty to co-operate**; and whether the plan is **sound**.
6. Considering soundness involves examining the Plan to determine whether it is:
  - **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - **effective** – deliverable over its period based on effective joint working; and
  - **consistent with national policy** – able to achieve sustainable development in accordance with the Framework's policies.
7. The Council should rely on evidence collected while preparing the LPEID to demonstrate that it meets the requirements of the 2004 Act. Those seeking main modifications (changes) to the LPEID (those necessary for the plan to be sound or legally compliant) have to demonstrate why the document does not meet the requirements and how the suggested changes would address any failure.
8. The key elements in the Examination process are:
  - The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan;
  - I have to consider the representations made on the submitted plan;
  - I am not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements;
  - It is not my role to seek to improve the Plan or to make it 'more sound' but to seek to address unresolved issues and to determine whether or not the Plan meets the soundness tests as it stands. This will be done through round table discussion and consideration of the original written representations.
9. The hearing sessions are intended to be an inquisitorial process under my direction. They will address particular topics for discussion that I have selected from the soundness requirements and the representations made at the publication stage and any additional preliminary matters.
10. Following the close of the hearings I will prepare a Report for the Council with my conclusions on legal compliance and soundness and any recommendations. Under section 20(7C) of the 2004 Act if the Council has requested me to recommend any main modifications to the plan that are necessary to make it sound and legally compliant I will also conclude on these. The Council can make minor changes, referred to as additional modifications, to the plan at any time up to its adoption. These should not materially affect the substance of the plan, its overall soundness

or the submitted sustainability appraisal. They need not form part of the Examination.

11. Any necessary main modifications should be supported by evidence and are subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan. Any main modifications should include the precise wording of the text and be set out in an Examination document.
12. Further guidance can be found in:
  - The Planning and Compulsory Purchase Act (2004) and associated regulations
  - The Planning Inspectorate's guidance (See [www.gov.uk](http://www.gov.uk) – planning and development guidance):
  - Procedural Practice in the Examination of Local Plans, The Planning Inspectorate June 2016 (4<sup>th</sup> Edition v.1).

### **Representations on the LPEID**

13. Respondents should have already 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 will have equal regard to views made at a hearing or in writing. Attendance at a hearing session will only be useful and helpful if you need to contribute to a debate.**
14. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who propose changes to the Plan and attendance is limited to the particular matters raised in the original representation. There is no right for those supporting the Plan or merely making comments to take part in the hearings although they may attend as observers. However, I can invite persons to appear or be heard at the hearings where I think they are needed to enable the soundness of the Plan to be determined.
15. Representors should also bear in mind that the Council has produced a schedule of changes to the LPEID (SD-010 – Proposed Minor Modifications October 2017) in the light of the representations made. In some cases this may satisfactorily address the comments or objections made. In addition the Council has responded to all of the representations made (Consultation responses and Council responses Plan Policy Order and Consultation responses and Council responses Representor ID Number Order SD-007 and SD-008 respectively) which may assist representors in understanding the Council's position.
16. Parties wishing to attend a hearing session or, having seen the scale and scope of the representations, to change from an appearance to written representations should confirm their wishes to the PO by **26 January 2018**. In the interests of fairness to other participants, changes to the method of progressing representations will **not be accepted** after this date.

## **Procedure at the hearing sessions**

17. The hearing sessions for the Examination will commence on **Tuesday 20 February 2018** at 10.00 hours with an afternoon session at 14:00 hours. On subsequent days sessions will normally start at 09.30 hours and 14.00 hours with a break for lunch at about 13.00 hours (please check the hearings programme when published). They should finish by about 17.00 hours. If convenient, short breaks will be taken mid-morning and mid-afternoon.
18. The emphasis in the hearing sessions will be on the requirements of s20(5) (a)-(c) of the 2004 Act. The hearings will focus primarily on issues of soundness. There will be a series of hearing sessions based on the Issues that I have identified in my list of Issues and Questions.
19. The hearing format will provide an informal setting for dealing with issues by way of a structured discussion which I will lead. Those attending may bring with them professional experts but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant's team, as appropriate.
20. Before the sessions I will set out an agenda with the questions for discussion on each topic. The discussion will focus on the issues identified on the agenda and the questions posed. I will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate upon relevant points, as necessary. I will endeavour to progress the hearings in an effective and efficient manner. It is important that participants should not seek to introduce new material at a hearing session.

## **Hearings programme**

21. A draft Programme for the hearings, putting dates and times to the issues and subjects to be examined, will be published as soon as possible. If you have any queries on it, please raise them with the PO. The Programme will be available on the web site, or in paper form from the PO.
22. Every effort will be made to keep to the programme, but late changes may be unavoidable. It will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.

## **Preparation and submission of further material**

### *Documents and Examination Library*

23. The Council has prepared a list of submitted Documents which is available on the Council's web page - [Submission Documents](#). The Council's evidence base for the Examination is also available on the website. Further documents may be added as the Examination progresses – for example, in response to a request that I may make. Participants should ensure that any documents they intend to refer to are

included in the list of Examination Documents and they should arrange for any missing documents to be sent to the PO, preferably electronically (where possible - pdf format is preferred).

24. In addition to the examination documents, the website will contain copies of representations correspondence from the Inspector and the Council's responses to questions raised by the Inspector. The PO will assist anyone wishing to see and/or copy any documents.

#### *Submission of further statements and other material*

25. The representations made on the submission version LPEID should have included all the points and evidence to substantiate respondents' cases and **it is not necessary to submit further material based on the original representations**. Please note that although respondents may have made representations at earlier stages of the plan process, I only have copies of the representations made at the LPEID submission stage.

26. From the representations and evidence before me **I am not inviting the submission of further statements** from either the Council or from those who have made representations. Given the nature of the issues involved further statements from those representors wishing to attend the hearing are not required. This is also because their views are already in writing and any further responses can be made orally.

27. However, evidence on any new matter which may have arisen since the original representations were submitted can be sent to me via the PO. This might be, for example, where a new document has been produced by others or evidence has emerged that has a direct bearing on the soundness of the Revisions. Any such material should, however, be provided by **26 January 2018** to allow sufficient preparation time for all parties.

#### **Close of the Examination**

28. The Examination will remain open until my report is submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have finished unless I specifically request further information. Any late or unsolicited material is likely to be returned.

#### **Submission of Inspector's Report to the Council**

29. The date of submission of my Report will largely depend on the content, extent and length of the Examination. I will aim to give an indication of any next steps and likely timetable at the end of the final hearing session.

*Kenneth Stone*

INSPECTOR

1 December 2017