

## **BRISTOL CITY CORE STRATEGY EXAMINATION**

### **INSPECTOR'S FINAL BRIEFING NOTE**

*(This note replaces that issued before PHM)*

#### **The Pre-Hearing Meeting (PHM) 11 May 2010**

1. The PHM provided the opportunity for procedural and administrative matters relating to the hearings to be explained and discussed, together with the form and content of the hearings and the anticipated hearing timetable. There was no detailed discussion of the merits of the matters to be considered at the hearings.
2. At the PHM, the Council confirmed that all the legal and procedural requirements relating to the Core Strategy have been met. There was no discussion on this point.

#### **The Inspector's role**

3. My task is to determine whether the Core Strategy meets various legal and procedural tests and whether it is **sound**. To be sound, a Core Strategy should be justified, effective and consistent with national policy. It is not my task to improve the Core Strategy - I can make changes only if I find elements of the document unsound.
4. Following the close of the hearings, I shall prepare a report for the Council with my conclusions on these matters and any changes required to the Core Strategy to make it sound (see below for the handling of possible changes to remedy unsoundness). My recommendations for any changes are binding on the Council, if the document is to be adopted. If I find that there is unsoundness which I cannot remedy by changes (because, for example, there is insufficient evidence on which to base a sound change) I would have to recommend that the Core Strategy be withdrawn. I will announce at the last hearing session the expected date the report will be sent to the Council. After receipt of my report, the Council is given a 2 week period for a *fact check* - to highlight any factual errors or to seek further clarification of any reasoning – before the final report is issued. It will be for the Council to make any arrangements for the publication of the report thereafter. In my report, I will deal only with the issues I have identified and will not comment on each individual representation.

#### **The Programme Officer**

5. Mr Robert Young is the Programme Officer (PO) and he is acting as an impartial officer of the Examination under my direction and is not an employee of the Council. During the hearings he will be at the Examination Office with the telephone and e-mail address on the accompanying letter.
6. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing timetable, to ensure that all documents received are recorded and distributed, and to keep the Examination Library of Core Documents and statements. The PO does not work full time on this Examination and so will not always be able to respond to questions immediately.

## Main Issues for Examination and Hearing Programme

7. I have identified the main issues I wish to discuss at the hearings. The allocation of issues to specific hearing days is set out in the hearing timetable, along with those respondents whose representations appear to relate to that issue and who have indicated that they wish to participate at the hearings. Some of my issues cut across a number of policies. Some hearing sessions concern only parts of a policy and only those whose representations are relevant to the matters to be debated should be participants at those sessions. This has presented some difficulty in identifying the appropriate participants without spending excessive time on the exercise. For these types of session I have not yet refined the list of participants from that in the draft programme. If you continue to be listed, but know your representation is not relevant to the particular matter for discussion or do not wish to attend a particular session, please let the PO know as soon as possible.
8. The hearings will start on **Monday 21 June 2010 at 13.30**. Hearings on Tuesdays, Wednesdays and Thursdays will commence at **09.30** (rather than the conventional 10.00). The overall hearings programme has not significantly changed from that in the draft, but an updated version is attached. Closer to the hearing sessions I will try and give a general indication where possible (via an updated timetable on the Council's website) of when particular hearing sessions will commence each day. But it will be for individual participants to check the progress of the hearings, either on the Council's Examination webpage or with the PO, and to ensure that they are present at the correct time.

### The hearing sessions

9. A separate hearing session will be held for each of the main issues (or sub issue) that I have identified. The hearings will follow a structured, focussed format with a discussion of the issue led by me. Most hearing sessions will have a number of participants and all will follow a roundtable format (within the constraints of the accommodation). To make the roundtable format manageable, each respondent will have only one seat at the table. There will be space immediately behind for other members of a respondent's team. The lead spokesperson for a respondent may change during a complex hearing session, but any such changes must not be disruptive to the smooth running of the session.
10. The purpose of the hearings is to concentrate on the matters that I need to explore and clarify, having taken into account all the written material. They are not an opportunity to simply repeat a case already set out in representations. The questions I have listed will form the overall structure for sessions, but many of the questions may need little further discussion if I am clear as to the parties' position. I will prepare a short agenda for each hearing session which will highlight the matters on which I want to focus the discussion. The PO will distribute these to participants a few days before the hearing session and they will be posted on the Examination webpage.
11. Before each hearing I will have read all statements submitted (by the deadline) in response to my questions. I will assume that all other participants will have read the submissions in so far as they want to participate. There will be no formal presentation of evidence. **No new evidence or documents should be submitted at the hearing sessions or afterwards unless I specifically request them.**

12. The hearings will be inquisitorial (led by me), rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. I will not permit repetition of points. My aim is to restrict the amount of material to that necessary to come to informed conclusions on the issues of soundness. To keep to the timetable, I will need the co-operation of all participants.
13. Only those who have made representations relevant to the discussion of an issue at a hearing session and have already indicated that they want to participate at a hearing will be allowed to speak. The hearing sessions are open to all, but I will not permit questions or comments from non participants.
14. Respondents have already indicated whether their views should be dealt with in a written form or whether they want to discuss them at a hearing session. **Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing.** Attendance at a hearing session will only be helpful to me if you wish and need to participate in a discussion on the issue.
15. I will use the hearings sessions to explore possible solutions (such as changes to policy wording) if I were to find any parts of the Core Strategy unsound. Such questions do not indicate that I have made up my mind that there is unsoundness, but are necessary so that I have all the information I need to progress the Examination. I particularly seek and encourage the Council's participation in these *What if...* discussions at the hearings. Such participation does not prejudice the Council's case that the Core Strategy is sound.

### **Responding to my Issues and Questions**

16. My report will be based on the main issues I have identified. Enclosed is a list of the specific questions I want to explore under each issue. Alongside the questions I have also commented on a number of matters so that participants, particularly the Council, are aware of my initial thinking. My preliminary comments are open to debate. The specific questions provide the structure for any further submissions prior to hearings.
17. I invite the Council to respond to all the questions I have listed (except for the very few highlighted specifically for other participants) with a separate response for each issue or sub issue. Many of my questions seek to clarify what are the Council's intentions and whether they are clearly expressed in the submitted document, before considering the soundness of the policies relating to that issue. On some questions, I expect the Council's response to be brief and I would urge succinctness in all the responses. There is no need to repeat or restate matters set out in supporting evidence, but it should be clear the extent to which reliance is placed on that supporting evidence with cross references to specific parts of the evidence.
18. Respondents may submit a further response to the questions I raise, but this must be limited to those questions directly related to the scope of their original representation. A response to the questions is not necessary if the points have already been adequately covered in the representation. **Respondents relying on written representations may submit responses to my questions (where relevant to their representations) as well as those who are to attend the hearings.**

19. A number of representations seek to advance the merits of particular sites (as opposed to broad locations). The Core Strategy is not making any site specific allocations, which will be the task of the subsequent Site Allocations and Development Management DPD. It would be a very substantial change for the Core Strategy to be amended to include any strategic site specific allocations and I cannot envisage being able to do so. Thus I do not need to consider the merits of individual sites (other than as illustrative of development potential in a broad location which could be shown on the key diagram).
20. Those challenging the soundness of the Core Strategy must explain why the DPD is unsound, whether there is a specific change which they consider would make the document sound or whether the unsoundness cannot be remedied and why.
21. All further statements in response to my questions must be received by the PO by **5pm Thursday 3 June 2010**. Meeting this deadline is essential if I and other participants are going to be able to prepare thoroughly for the hearing sessions. The PO will not distribute statements to other participants (other than to me) until after the deadline and there is no disadvantage in submitting statements in advance, rather than at the last minute. This would help the PO organise the circulation, which is a substantial task.
22. **Appendix A sets out the requirements for the presentation of all statements. Its provisions should be carefully implemented as otherwise statements will be returned.**

#### **Statements of Common Ground**

23. Statements of Common Ground (SCG) are invited where these would be helpful in identifying points not in dispute and thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include agreed wording of a suggested change to a policy criterion, or agreed factual information. I would urge parties who intend to raise any technical/numerical matters to discuss the matter with the Council in advance of producing a response statement. The hearing is not the venue for raising for the first time technical/numerical problems.
24. **This work should commence now, with the aim of completing the SCG in time to feed into the relevant hearing statement.** However, agreed SCGs will still be accepted if submitted before the relevant hearing.

#### **Handling possible changes**

25. The starting point for my Examination is the Core Strategy as submitted in March 2009. However, at submission the Council included a **Schedule of Minor Post Publication Changes** which it printed as a track-change version of the Core Strategy (CDE37). Provided these changes are only minor and do not change the meaning or application of a policy they can be incorporated into the Core Strategy without further consultation. The only change which I currently consider is not minor is C4.10.10 which expands the policy delivery section to policy BCS10 to indicate that the Site Allocations and Development Management DPD will also *safeguard where appropriate existing transport facilities such as rail depots*. This will have to be published alongside any other significant changes. With this omission, **I intend to base the rest of the Examination on this track-change**

**version incorporating the Minor Post Publication Changes and will not refer to these changes further in my report.**

26. I can recommend changes only if I find any part of the document unsound. I cannot recommend changes simply because they would be better or because the Council would now prefer a different wording. Any changes I contemplate must themselves be sound (ie be justified, effective and consistent with national policy). I must also ensure that every interested party has had a fair opportunity to comment on the substance of any significant change.
27. In my list of issues and questions I have invited the Council to put forward wording for a possible change where my preliminary view is that the policy may be unsound. The possible change will then be discussed at the relevant hearing session. Other possible changes may emerge leading up to and at the hearing sessions. I may invite discussion of possible changes that I draft, or invite the Council to suggest the wording of a possible change following a hearing discussion. I will ask the Council to keep a running list of all possible significant changes in Plan order.
28. If, following the hearings, I conclude that there is unsoundness which might be remediable by significant changes, I will invite the Council to undertake appropriate consultation on a list of possible changes and undertake revised sustainability assessment (SA) if necessary. I will draft such a schedule of significant changes drawing on, but not confined to, changes discussed at the hearings. I will take into account any further representations made on those changes. Depending on the scope of the possible changes and the further representations raised, there may need to be further hearing sessions. Just because the Council puts forward a change during the Examination process does not mean that I will recommend that it be made – I need first to find unsoundness in the submitted document on the matter concerned and be satisfied that the Council's suggested change is itself sound.
29. Minor changes which do not alter the sense of a policy or text, do not need to be the subject of consultation or revised SA. As they do not address matters of soundness, they will not be the subject of discussion in my report. I will ask the Council to keep a separate running list of all post submission minor changes which could form an Annex to my report.

### **Core Documents and Examination Library**

30. The Council has prepared an initial list of Core Documents (CDs) that will be available in the Examination Library. The list will be on the Examination page of the Council's website with links to documents where possible. The CDs include national Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs), the Council's evidence and other documents at submission and so on. Additions can be made to the CD list as and when other relevant documents are identified, including those to be referred to by respondents. Parties should not attach extracts of Core Documents to their statements, but make reference to the relevant document using its CD reference and to the particular page/paragraph. A regularly updated list will be on the Council's website, with paper copies available from the PO.

**Simon Emerson**  
**13 May 2010**

**Format for all response statements**

- A. Please send, where possible, emailed electronic versions of all statements and appendices to the PO (in Word or PDF format), as well as the paper copies specified below.
- B. I emphasise the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. It is the quality of the reasoning that is important. There is no need for verbatim quotations from the DPD or other sources of policy guidance.
- C. At most Examination hearings to date there has been imposed a maximum limit of **3,000 words**. This also applies in this Examination and any submissions longer than this will be returned by the PO for editing. However, given the general nature of many of the issues to be addressed (compared with site specific/technical issues), I expect most contributions from respondents to be much, much shorter than this limit.
- D. All parties should provide **4** paper copies of their response statements (to include one unbound for further copying, one hole-punched, for the Inspector's ring binder and stapled in the top left hand corner and the other 2 similarly stapled). Statements should be prepared on A4 paper, printed on both sides,
- E. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the Core Documents and nationally available Government guidance. The name of the document, its CD reference and a clear paragraph or page reference is all that is necessary. Any appendices should have a contents page and be paginated. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying. The Council should ensure that sites/locations/projects/documents and so on are referred to in a consistent way throughout their responses. Where sites or locations are referred to which have not previously been shown on a plan in the submitted material please provide a plan.
- F. No statement/piece of paper will be accepted if it fails to be clearly marked, **at the top, right hand corner**, with the appropriate Issue number and relevant respondent reference and name. The Council's Response Papers should be separately referenced BCC, followed by the Issue/sub issue number (e.g. BCC/Issue 5.1).
- G. All participants should adhere to the timetable for submitting statements. If material is not received by the deadline the PO will assume that you are relying only on the original representations. It would be very helpful for parties to submit statements as far in advance of the deadline as possible.