

**Epsom and Ewell Borough Council  
Examination of Plan E – Epsom Town Centre Area Action Plan  
Development Plan Document**

**Briefing Note from the Inspector for the Pre-Hearing Meeting to be  
held at 10.30 on Thursday 5 August 2010 at  
Committee Room 1, Town Hall, Epsom**

**Opening Announcements**

Hearing sessions for the public examination will begin on Tuesday 21 September 2010 at 10.00 am. The location of the Hearings will be Committee Room 1 at the Town Hall or the adjacent Council Chamber.

**Introductions**

I am a Senior Planning Inspector for the Planning Inspectorate. I am a Chartered Town Planner and hold a Bachelor of Science degree in Geography and am a Bachelor of Town Planning. I am also a member of the Chartered Management Institute. The Programme Officer will be introduced. The Council's team and representors will then be introduced.

**The Pre-Hearing Meeting (PHM) on 5 August**

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. I will ask the Council to confirm that all the legal and procedural requirements relating to the Area Action Plan have been met, but any discussion of these matters will be for the first hearing session.

The Hearing sessions, not the PHM, will be the occasion to discuss the merits of the Area Action Plan 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 will be made available to the PHM for comment.

Notes of the PHM will be sent after the event to all those who have made representations on the Area Action Plan.

**The Inspector's role**

My task, as defined in the Planning and Compulsory Purchase Act 2004 s20(5)(a), is to examine the Area Action Plan and, firstly, check that it complies with legislation. Secondly, I have to determine whether it is "sound". To be sound, an Area Action Plan should be justified, effective and consistent with national policy. More detail on legal compliance and

the concept of soundness is given in the Town and Country Planning (Local Development) (England) Regulations 2004 as amended, and Planning Policy Statement 12: Local Spatial Planning. These documents are available in the Examination Library and on the website at [www.epsom-ewell.gov.uk/planeexamination](http://www.epsom-ewell.gov.uk/planeexamination).

The Hearings will be set up to enable me to investigate legal compliance and soundness with those who have made representations on the Area Action Plan, 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 Area Action Plan including any necessary changes to it. I will announce at the last hearing session the expected date the report will be sent to the Council. The Council will be given a period of 2 weeks to highlight any factual errors or to seek any clarification of any reasoning before my final report is issued. It will be for the Council to make arrangements for the publication of my report. In my report I will deal only with broad issues that I have identified and will not comment on individual representations.

### **The Programme Officer**

As you will know, Mr John Leslie 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 Leslie.

All procedural questions should be directed to Mr Leslie, and not me. Mr Leslie is employed on a part time basis but can be contacted at the Town Hall, Epsom, by email on [jleslie@epsom-ewell.gov.uk](mailto:jleslie@epsom-ewell.gov.uk) or by telephone on 01372 732396.

The Council's website will also provide information about the Hearings and any changes to the timetable and can be found at [www.epsom-ewell.gov.uk/planeexamination](http://www.epsom-ewell.gov.uk/planeexamination).

### **The Examination Library**

Mr Leslie has already set up the library which contains documents which form the evidence base for the Area Action Plan. The principle is that all documentation referred to in the Examination should be available for other interested persons to read. The library is likely to grow as the Examination proceeds. Any additions to it should be given to Mr Leslie,

preferably with an electronic copy or details of web links, so that he can record and number them.

## **Representations on the Area Action Plan**

The publication Area Action Plan, Sustainability Appraisal and supporting documents were available for public consultation from 1 February to 15 March 2010. At the end of this 6 week period, the Council was in receipt of 179 duly made representations from 40 respondents. Country and Metropolitan Homes have indicated that they wish to give evidence orally at the Hearings.

***I wish to emphasise that whether made in writing or orally, representations carry equal weight.*** This means that in examining the Area Action Plan, 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 (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 should enable everyone to 'have their say' and enable me, as the Inspector, to understand better whether the submitted Area Action Plan is sound. Where there is evidence that the Area Action Plan 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 the agendas ahead of the sessions. Agendas will be based on the issues which I have identified on the enclosed list of questions 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 Area Action Plan and on any means of removing unsound elements/ securing soundness.

The Hearing session will start at 10.00 hours on Tuesday 21 September 2010. The Hearing on Wednesday 22 September 2010 will also start at 10.00. The Hearing sessions are open to all, but only those who have indicated that they want to participate at a Hearing will be allowed to speak. ***The programme for the Hearings could change, and all participants should keep in touch with the Programme Officer and the website, to ensure that no change is missed.***

## **Changes to the Area Action Plan**

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 Plan E – Proposed Submission Document, February 2010, is the starting point for this Examination.

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 change.

The Council has published a number of Suggested Changes prior to the Examination. They have also drawn a plan area boundary in response to concerns I raised, but parties must not assume that I will recommend that all of those changes be made. I need to find first that there is unsoundness on the matter concerned and then decide if the suggested change is a sound remedy. Other possible changes may emerge leading up to and at the hearing sessions. I may invite discussion of possible changes that I draft. I will ask the Council to keep a running list of all such changes in Plan order.

If I consider there are possible significant changes which might remedy any unsoundness, I will invite the Council to undertake appropriate consultation (and revised sustainability assessment if necessary). Any such invitation is likely to be after the hearing sessions, when I have come to a preliminary view on the likely outcome of my report, so as to enable all such possible changes to be published together. I will take into account any further representations made on those changes. Such arrangements are likely to extend the date when my report is sent to the Council.

Minor changes which do not alter the sense of a policy or text, do not need to be the subject of consultation and 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 minor changes (to combine the minor changes previously submitted and any further minor changes which arise).

## **Further Written Statements**

After the PHM, when the matters for discussion at the Hearings have been formalised, I shall invite the Council and representors to submit statements which relate to the matters of concern. I shall identify the key questions which the statements should address. The statements should specify any changes to the Area Action Plan which are considered necessary to make it sound. These statements should be submitted to the Programme officer by Tuesday 7 September 2010.

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.

The Examination is open until my report is put forward but I will not accept representations that I have not sought after the hearings.

### **Site Visits**

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

*Julia Gregory*

Julia Gregory BSc (Hons) BTP MRTPI MCMI  
INSPECTOR

23 July 2010