

NEW FOREST DISTRICT COUNCIL - CIL EXAMINATION

EXAMINER'S GUIDANCE NOTES – IMPORTANT - PLEASE READ

1. Introduction

1.1 These Guidance Notes have been prepared by the Examiner to assist those organisations who wish to participate further in the Examination. There will be no Pre-Hearing Meeting (PHM). No members of the public made representations and those who wish to participate in the hearing are all planning professionals. Accordingly, these Guidance Notes are shorter than the Guidance Notes prepared for the Examination of the Local Plan. They convey the key points only, but the same principles apply to this CIL Examination as set out in relation to the Local Plan Examination.

1.2 Ms Lynette Duncan is the Programme Officer (PO). Any matters which the Council or participants wish to raise with the Examiner should be addressed to the Programme Officer.

1.3 Published alongside these notes are the Examiner's main issues and questions and the draft hearing programme and list of participants.

2. The Hearing

2.1 The hearing will start on **Wednesday 14th November 2012 at 10 am**. The hearing is expected to last 1 day, but Thursday 15th November should be reserved for any overrun.

2.2 Not all respondents have indicated whether their views should be dealt with in written form only or whether they want to discuss them at the hearing. **Both methods carry the same weight and the Examiner will have equal regard to views put at a hearing or in writing.** Attendance at the hearing session is only helpful if you wish and need to participate in a discussion on the issue.

2.3 Only those who have made representations on the charging schedule and who have indicated in advance that they want to participate at the hearing will be allowed to speak. The hearing sessions are open to all to observe, but questions or comments from non-participants will not be allowed.

2.4 Please inform the PO by 17th September 2012 if:

- **you are listed as a participant, but have decided not to attend;**
- **you consider that your representation more closely relates to a different part of the hearing than that for which you are listed;**
- **you think you have been wrongly omitted;**
- **you wish to attend a hearing relating to your representation but have not previously indicated that you wish to be heard or have changed your mind;**

Participation will only be possible if the original representation clearly relates to the matter to be discussed at the hearing.

2.5 The hearing will be a discussion led by the Examiner in a roundtable format. The purpose of the hearings is to concentrate on the matters that the Examiner needs to explore and clarify, having taken into account all the written material. They should not be used simply to repeat a case already set out in representations.

2.6 Before the hearing, the Examiner will have read all the material submitted in response to his questions and any further final comments (see below). Other participants should read such material 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 hearings or afterwards unless specifically requested by the Examiner.**

2.7 The Examiner will prepare a short agenda for the hearing which will highlight the matters which will be the focus of the discussion. The PO will distribute it to participants a few days before the hearing and it will be posted on the Council's Examination webpage.

3. Responding to the Examiner's Questions

3.1 The Examiner has prepared a list of questions relating to the main issues on which further comments are invited.

3.2 All further statements in response to the Examiner's questions must be received by the PO by **5pm Wednesday 17th October 2012**. Meeting this deadline is essential to allow the Examiner and other participants to prepare thoroughly for the hearing. All statements will be placed on the Council's examination webpage after the deadline. There is no disadvantage in submitting statements in advance.

3.3 The Council should respond to all the questions listed. 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.

3.4 Respondents may submit a further response to the questions, 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 not participating in the hearing have the same opportunity as participants to respond in writing to the questions, so far as they are relevant to their original representation.

3.5 Appendix A sets out the requirements for the presentation of all further statements. Its provisions should be carefully implemented as otherwise statements will be returned.

3.6 Given the time available before the hearing and the limited number of participants, the opportunity is provided for short further comments to be made in writing in response to the statements submitted by the deadline of 17th October. The deadline for any such further comments is **5pm Friday 2nd November 2012**. It is emphasised that this is not an opportunity to submit new evidence, nor to repeat what has already been written, but to briefly respond to any new points made by others. The aim is to assist the focus of the discussion at the hearing and to ensure that the hearing is used efficiently and effectively.

4. Statements of Common Ground

4.1 Statements of Common Ground (SCG) are invited where these would be helpful in identifying points not in dispute or in clarifying specific points of disagreement, thereby assisting the Examiner in focussing the hearing on the matters that truly need discussion. Parties who intend to raise any technical/numerical matters should 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. Any differences in data should be highlighted and explained before the hearing. The deadline for the submission of statements of common ground is 17th October.

6. Core Documents and Examination Library

6.1 The Council has prepared a common list of Core Documents (CDs) for both Examinations which is available on the Local Plan Examination webpage (titled *Examination Documents List*).

Simon Emerson
Examiner
23 August 2012

Attached: Appendix.

Appendix A **Format for all response statements**

- A. Please send, where possible, emailed electronic versions of all further statements and appendices to the PO (in Word or PDF format), as well as the paper copies specified below.
- B. Submissions should be succinct, 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 Local plan or other sources of policy guidance.
- C. At most Examination hearings to date, there has been imposed a maximum limit of **3,000 words** for each statement on a topic. This also applies in this Examination and any submissions longer than this will be returned by the PO for editing. However, the Examiner expects most contributions from respondents to be much shorter than this limit.
- D. All parties should provide 3 paper copies of their response statements (to include one unbound for further copying, one hole-punched for the Examiner's ring binder and stapled in the top left hand corner and the third copy only stapled). Statements should be prepared on A4 paper.
- 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.
- 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 relevant respondent reference and name.