

Cornwall Council  
Climate Emergency Development Plan Document

Guidance Note for Participants

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## EX02

INTRODUCTION

I am Paul Griffiths, the Planning Inspector appointed by the Secretary of State to independently examine the soundness of Cornwall Council's Climate Emergency Development Plan Document (DPD). I have prepared this Guidance Note in order to explain various procedural and administrative matters relating to the examination.

The Programme Officer for the examination is Jo McCabe. Her contact details are given on the cover of this note. She is acting as an independent officer for the examination, under my direction. Ms McCabe will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting with procedural and administrative matters. She will also advise on any programming and/or procedural queries. Any matters that the Council, or participants, wish to raise with me, should be addressed to Ms McCabe, in the first instance.

PURPOSE AND SCOPE OF THE EXAMINATION

My role is to consider whether the DPD meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, and whether it is sound in the light of the National Planning Policy Framework (the Framework).

To be found sound, the DPD must be positively prepared; justified; effective; and consistent with national policy.

Those seeking changes to the DPD have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to soundness and legal requirements. However, my report will not refer to representations individually.

At this advanced stage of the process, further changes to the DPD should be limited. The Council cannot itself now make 'Main Modifications'. Any changes needed to remedy soundness problems can only come through a recommendation in my report.

THE MATTERS, ISSUES AND QUESTIONS FOR THE EXAMINATION

I have set out the matters that will form the focus of the examination and the various Hearings on the accompanying MATTERS and ISSUES and HEARINGS SCHEDULE document.

This document has been circulated to representors with this Guidance Note and is also available on the Examination webpage. The document also contains a timetable for the Hearings.

Any comments from representors on either the draft timetable, and/or the identified Matters and Issues set out should be sent to the Programme Officer by 16 May 2022.

## REPRESENTATIONS AND WRITTEN STATEMENTS

There are three ways in which the views of representors can be considered:

- a) reliance can be placed on the written representation already made; or
- b) if it is felt necessary, a written statement responding to the Matters and Issues set out can be submitted; and/or
- c) there is the opportunity to participate in the Hearings (see below).

Everyone who has made a representation about the DPD during the pre-submission consultation that took place can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. **There is no need to prepare a further statement if all the points are already covered in the original representation.**

For those who choose to prepare and provide statements, they should directly address the points identified in the Matters and Issues.

All statements from representors should:

- a) relate solely to the matters raised in their earlier representation;
- b) explain which particular part of the DPD is not sound;
- c) explain why it is not sound by reference to the Framework; and
- d) explain the precise change or adjustment that is being sought.

From the Council, a written statement in response to all the Matters and Issues is required. These statements should include full and precise references to the evidence base to justify the policy approach and demonstrate that the DPD is sound. They should also include references to any 'Main Modifications' the Council considers necessary to make the DPD sound and set out the Council's position on changes sought by others, where relevant.

All written statements should be succinct, avoiding unnecessary detail and repetition. There is no need to quote verbatim from the DPD, national policy, or the Core Documents – clear references will suffice. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and concisely, since the Hearings are not the place for new points, or evidence, to be presented for the first time.

It should be noted that it is not my role to 'improve' the DPD. I can only recommend 'Main Modifications' to rectify issues of soundness.

Representors should attempt to reach agreement on factual matters and evidence before the Hearings start and I strongly encourage everyone to maintain a dialogue with the Council, and other participants, in advance of the Hearings. **Statements of Common Ground can be especially helpful and are strongly encouraged.**

Two paper copies of each written statement (at A4 with any larger plans or the like folded down to A4) should be sent to the Programme Officer. Where possible, an electronic copy

## EX02

should also be provided. Statements should be no longer than 3,000 words on each matter. Statements that are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices and clearly relate to the case being made.

**Paper copies of all statements must be received by the Programme Officer by 7 June 2022.**

If written material is not provided by this deadline, the Programme Officer will assume that written statements are not being provided.

Participants should adhere to the timetable for submitting written statements. Late submissions and additional papers are unlikely to be accepted, in particular on the day of the relevant Hearing, since this can cause disruption and result in unfairness, and may lead to an adjournment.

I will not accept any further representations or evidence after the Hearings have finished unless I specifically request it. Any unsolicited material is likely to be returned.

**PARTICIPATION AT HEARING SESSIONS**

Only those who have made representations seeking to change the DPD have a right to appear before, and be heard by, the Inspector. However, it is important to stress that written representations carry the same weight as those made orally at a Hearing. Consequently, participation at a Hearing session is only necessary, if in the light of the Matters and Issues identified, you have specific points that you wish to make.

People who are able to participate in the forthcoming Hearing sessions are those who made representations seeking to change the DPD under Regulation 20 (that is when the Council invited representations before submitting the DPD for examination) where their representation relates to a point that is among the matters for the examination.

If you have the right to be heard, and you wish to exercise that right, then you should contact the Programme Officer by **5pm on 7 June 2022** indicating the appropriate Matter and Issue and the session you wish to attend (see the Programme). You will need to do this regardless of what you may have indicated previously. Please note that if you do not contact the Programme Officer by that date it will be assumed that you do not wish to appear and be heard, and you will not be listed as a participant. You should only request to be heard at a Hearing session if you have made a relevant representation seeking a change to the DPD. The Hearing sessions are however open to anyone to observe.

**THE HEARINGS SESSIONS**

The Hearings sessions will start at 1000 on 21 June 2022. They will be held at the Atherton Suite (Old Post Office Building), Falmouth Town Council, The Moor, Falmouth TR11 2RT.

Every effort will be made to keep to the timetable, but late changes may be unavoidable. Priority will be given to starting the discussion on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will endeavour to inform the participants of any late changes to the timetable, but it is the responsibility of the participants to keep themselves up to date with the arrangements and

## EX02

the programme. Participants need to be ready to attend on the reserve time indicated on the programme – this will be used, if necessary, to complete any sessions previously unfinished.

The Hearings will take the form of a round-table discussion which I shall lead. It will not involve the formal presentation of evidence, nor will there be any cross-examination. There is a lot to cover in a limited time so contributions will need to be focused.

**Sessions will normally start at 1000 and 1400 each day, with a break for lunch and a finish at around 1700 hours.** There will be a short (15 minute) break mid-morning, and mid-afternoon.

Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance at, and participation in, the Hearings sessions.

The final session (on the afternoon of 24 June) is intended as a 'mop up' session but alongside that, it will also be used to provide an opportunity for those who cannot join the event physically earlier in the week. If you want to make representations 'virtually' (bearing in mind all the qualifications set out above) then the Programme Officer can provide details of how you might do so. **Please let the Programme Officer know that you wish to engage 'virtually' by 5pm on 7 June 2022.**

#### MY REPORT

After the final Hearing session, and any subsequent matters, I will proceed to write a report setting out my conclusions about the soundness of the DPD, including recommendations on any actions and/or modifications I consider necessary to make it sound.

The examination will remain open until my report has been submitted to the Council. However, as set out above, I will not accept any further representations or evidence after the Hearings sessions have ended, unless I have specifically asked for it.

I trust that this Guidance Note is useful. If there are any further questions, please contact Ms McCabe in the first instance.

Paul Griffiths

INSPECTOR

05/05/22