

**THE ENFIELD COUNCIL'S NORTH CIRCULAR AREA ACTION PLAN  
(NCAAP)  
INDEPENDENT EXAMINATION  
Inspector's Guidance Note**

**Introduction**

1. This briefing note is intended to supplement the Planning Inspectorate's brief guide to examining development plan documents. It provides information regarding the arrangements for the Examination and for the conduct of hearings.

**The Purpose of the Examination**

2. The Examination must first consider whether the NCAAP meets the legal requirements of Sections 19-20 of the 2004 Act and associated regulations. This includes whether it has been prepared in accordance with the Local Development Scheme & Statement of Community Involvement, has been subject to sustainability appraisal, has regard to national policy, and has regard to any sustainable community strategy for its area.
3. The Localism Act 2011 introduces a legal Duty to Co-operate on the part of the Local Planning Authority. It is necessary to examine this to ensure that the duty has been fulfilled.
4. The Examination is next required to investigate the NCAAP's soundness based upon the 4 tests of soundness set out in the National Planning Policy Framework. These are whether the NCAAP is:
  - Positively prepared
  - Justified
  - Effective
  - Consistent with national policy
5. The examination will be carried out under the provisions of the T&CP (Local Planning) (England) Regulations 2012. The starting point is the assumption that the Council has submitted what it considers to be a sound plan – that is: it proposes the right actions for the area; it will achieve what it sets out to achieve; and is consistent with national policy.
6. I am required to consider all representations made to the submission document but only in so far as they relate to the satisfaction of legal requirements and tests of soundness. I am not required to consider each and every 'objection' or to report on it. The representations are the starting point but other matters may also be raised. Nevertheless anyone who has made a representation seeking to change the NCAAP has a right to be heard if they have already indicated that they wish to be heard. **Those seeking changes must demonstrate why the NCAAP is unsound by reference to one or more of the tests of soundness.**
7. The Examination will remain open until my report is submitted to the Council, but no further evidence will be accepted after the hearing sessions have finished unless I have specifically requested it. Prior to closing the hearing I will give an indication of when my report will be submitted.

8. The Planning and Compulsory Purchase Act 2004 has been amended by Section 112 of the Localism Act 2011. **I am now required to either recommend that the NCAAP is adopted or recommend non-adoption, giving reasons in either case for the recommendation. If asked to do so by the local planning authority, I must recommend modifications (“main modifications”) that would make the Plan one that is sound.** In order to do so, I must first initiate concerns about the soundness of the NCAAP. This is the first task to be carried out prior to the hearings commencing.
9. “Additional modifications” (previously known as minor changes) can now be made by the Council on adoption without the need to be examined. These are changes that do not materially affect the policies set out in the Plan. Where representors are requesting minor changes of wording, for example for clarification, it would be beneficial for such additional modifications to be negotiated outside the Examination process.
10. The Council has indicated that a total of 78 representations from 24 representors were received in response to the Publication of the Proposed Submission NCAAP. The Council has produced a Consultation Statement of representations and a summary of the main issues required by Regulation 22 (NCAAP-04), and a Schedule of Representations and Enfield Council's Response (NCAAP-08). The Submission Version of the Plan is accompanied by a schedule of Post Publication Minor Changes (NCAAP-07). The Submission Version, with these Minor Changes incorporated, will form the basis for the Examination.
11. Respondents 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 carry the same weight and the Inspector will have equal regard to views put at a hearing or in writing. Attendance at the hearing will only be helpful if you wish and need to participate in a debate.

### **Programme Officer**

12. Mr Ken Bean has been appointed as the Programme Officer (PO) to assist me in the Examination. He is acting as an impartial officer of the Examination solely under the Inspector's direction. He can be contacted by email at [northcircularexamination@enfield.gov.uk](mailto:northcircularexamination@enfield.gov.uk) or tel: 0208 379 3094.
13. His main tasks are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearings programme, to ensure that all documents received both before and during the hearings are recorded and distributed, and to keep the Examination Library. Copies of the Examination documents are available on the Council's web site and he can make available electronic or paper copies on request.
14. During the Examination he will advise on how closely the hearing sessions are following the circulated programme. Alternatively, a regularly-updated programme will be available on the Council's web site. Any procedural questions or other matters should be made through him.

### **The Hearing sessions**

15. The hearing format will provide a relaxed and informal setting for dealing with issues by way of discussion that I will lead. Those identified to participate may be represented by professional advocates and witnesses if they so wish, but there will be no formal presentation of evidence or cross-examination.
16. The hearings, which are part of the overall Examination, will be held on Tuesday 10th December 2013 at the Civic Centre, Silver Street, Enfield, EN1 3BR.
17. The hearing session will start at 10.00 and 14.00 with a short break mid-morning and mid-afternoon, where convenient. Lunch will be taken at about 13.00. Individual participants must keep in touch with the PO to check the progress of the examination and to ensure that they are present at the appropriate time.
18. I will start by making a few brief comments on matters I want to cover. If necessary, an agenda will be circulated before the session. The hearing will then progress under the my guidance, drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion and decision on the matters.
19. For the hearings the PO will provide name boards for each participant which should be up-ended to indicate a wish to speak so that I can invite contributions as I go along without overlooking anyone with a point to make.

### **The submission of further statements**

20. The submission of further statements is only necessary either to clarify existing evidence in response to a specific request from me or to respond to any further submissions provided by the Council (see Addendum sheet). Where required, additional statements should be submitted to the PO no later than Friday 15 November 2013.

### **Statements of [Un] Common Ground**

21. Statements of Common or Uncommon Ground may be submitted where these would be helpful in identifying points that are not, or are, in dispute. This will assist the hearings process 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; or areas or points of disagreement. This work should commence now, with the aim of completing them in time to feed into the relevant hearing if this is possible.

### **Main Reference Documents**

22. The Council has prepared an Examination Library Index of the documents expected to be referred to most frequently. Extracts of these documents and national policy documents should not be attached to statements. The Examination Library will be available at the venue during the Hearings.

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Anyone wishing to consult the Library during or before the Hearings should contact the PO. The Index will be kept updated and is available from the PO and is also posted on the Council's web site.

**Site visits**

23. I have already visited the area and looked at the allocated sites and seen various locations referred to in the NCAAP. If participants consider, for any reason, that additional accompanied visits are necessary, requests should be made to the PO.

**If there are any questions arising from this note they should be passed to me through the PO.**

*Patrick Whitehead* (Inspector)

**ADDENDUM**  
**ADDITIONAL GUIDANCE ON FURTHER SUBMISSIONS**

1. **The submission of further statements is only necessary either to clarify existing evidence, in response to a specific request from me or to respond to any further submissions provided by the Council.**
2. Representors are requested to observe a 3,000 word limit. For ease of handling stapled, rather than bound copies, are preferred. Please avoid unnecessary detail and repetition of the original representation. Statements should only relate to the content of the original representation, e.g. if comments originally related only a particular policy then the additional statement should only concern that policy and no others.
3. 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 evidence base and nationally available Government guidance – a paragraph or page reference will suffice.
4. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from the Core Strategy or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Examination is not the place for surprise contributions!
5. Where possible, emailed electronic versions of all Statements and Appendices should be sent to the PO at the Council (in Word or PDF format) for the Examination web site, as well as the paper copies as detailed below.
6. Sufficient copies of statements should be provided to be made available to participants, together with four (for the Inspector, Council, PO, and Library)
7. Please ensure that statements are clearly marked, at the top, right hand corner of the first page, with the appropriate Matter and Issue number and respondent reference.
8. All participants should adhere to the timetable for submitting statements. Late submissions and additional material are unlikely to be accepted on the day of the relevant hearing session since this can cause disruption, result in unfairness, and can result in an adjournment of the hearing. If material is not received by the deadlines given the PO will assume that you are relying only on the original representations.