

# AYLESBURY VALE DISTRICT COUNCIL

## Director

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24<sup>th</sup> April 2018

Dear Mr Clark,

## **VALP Examination - Timings for further submissions and hearings**

### Introduction

We understand from the Programme Officer that you intend to publish a Matters and Issues Statement for the examination hearings by the last week in May. We presume that this will need to be dependent on the Council having responded to all of the questions you have raised on the representations to the draft Local Plan, which are now 102 in number by around mid May. We will of course do our best to achieve this but currently until we have embarked upon the task of considering and answering all the questions, including any further questions, we cannot guarantee meeting this timescale, particularly if this requires the involvement of consultants who have assisted with the evidence base of the draft plan.

In light of this we have been considering the expected timings of the next stages in the examination process. Despite our previous understanding from the Programme Officer and set out in our earlier letter to you that you would not be requiring statements from the Council or interested parties in response to your Matters and Issues Statement, we understand that you do now intend to ask for such statements. This causes us real concern because the timings you have suggested mean that there will be only four weeks between the publication of your Matters and Issues Statement at the end of May and the commencement of hearings in July during which statements will need to be produced.

The Council and interested parties will need to be given a reasonable time to produce their statements after the end of May and there will then be a need for the Council and interested parties to consider these statements. The Council is likely to receive many statements in response to your Matters and Issues Statement and needs a full and fair opportunity to consider them before the hearings commence. Presently the proposed timetable does not allow for this. We are therefore very concerned that there will not be enough time for the council or other participants in the hearings to both prepare their statements and to properly consider the submitted statements of others before the commencement of hearings. We therefore suggest that if the examination is to proceed as currently proposed in July that alternative arrangements should be considered and agreed now.

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The council's proposed approach

### *Hearing statements*

Initially the council understood, and was pleased to see that you intended the council's answers to your questions to be the sole further submissions beyond the existing Regulation 19 representations without the need to require statements prior to the commencement of hearings. Such an approach allows all parties to be aware of the council's position in relation to the issues you have highlighted through your questions well in advance of the hearings and we feel this approach is still the best one. We therefore suggest that you continue with this approach.

If, however, you wish to allow further comments from other parties it is felt that these should be in response to the council's answers to your questions. We would suggest that comments from interested parties are invited in tranches, with a time limit set of two weeks from the publication of the council's answers to a particular tranche of questions. Importantly, however, the timetable for this must be published in advance with clear instructions to participants on the process and the timings to be followed for submitting answers by interested parties. We therefore suggest that a guidance note would need to be issued by you to set this out. If an alternative process to the current approach is not agreed it will be extremely difficult, if not impossible, for any parties, and particularly the council, to prepare adequately for the hearings given that they will only just have received the statements from the other parties and the hearings will need to be delayed. The availability of the Council's QC means that the earliest any hearings could then take place would be in October leading to a three month delay in the hearings and the progress of the Examination. We hope that this can be avoided.

### *Responding to the Inspector's questions*

We received the last of your questions relating to the representations last week on 18th April and will do our best to supply answers to all questions before the end of May (although we note that you previously indicated we could respond up until the hearings commence in July if necessary). However, if these answers are to inform your Matters and Issues Statement which you intend to publish at the end of May then we will do our best to produce the answers by that time, but for the reasons already given we cannot guarantee that. As already explained in a number of cases we will need to approach the consultants who prepared our evidence so some questions will take some time to answer. However, if we can answer questions quickly we will do so although this means that our responses may not be in the order in which you asked the questions.

We are also currently concerned about another matter. The latest communication from the Programme Officer indicated that you would accept responses to your questions from other parties if they were made. Currently no guidance has been issued by you as to how you intend to run the examination process nor how you anticipate interested parties participating in it. We invite you again to issue such guidance.

It seems to the Council that if you adopt the approach we are suggesting then how the questions are to be responded to by interested parties will be made clear. However we do not consider that it is appropriate for no guidance to be issued on this matter but if interested parties just decide to respond their responses will be taken into account.

It seems to us that the current approach means that those who submit speculative responses will gain a favourable position over those who refrain from doing so. This is likely at best to lead to disgruntlement amongst interested parties.

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To ensure a level playing field it is suggested that any such statements are returned to those who submitted them on the basis that responses have not been requested by you. However, as we have already indicated the suggestion we have made above for allowing responses to our answers on a rolling timetabled basis which would be published through guidance should work well as a means of giving all parties a fair and adequate opportunity to comment on the Council's answers to your questions and could form the basis for discussion at the oral examination in light of your Matters and Issues Statement.

### Conclusion

We would be very grateful for your speedy response to these matters so that all parties can work efficiently towards the hearings whenever they are held.

As we may need to put in place alternative arrangements for the examination hearings we would want to do this as quickly as possible so we would be grateful for your early reply to this letter. Please be assured of our on going support and desire to do whatever we can to help ensure we have an efficient examination process.

Yours sincerely,

A handwritten signature in black ink that reads "Tracey Aldworth". The signature is written in a cursive, flowing style with a large initial 'T' and 'A'.

Tracey Aldworth  
Director