

GUIDANCE NOTE FROM THE INSPECTORS – STAGE 2 & 3 HEARINGS

Introduction

1. This guidance note is intended to assist those who have made representations as part of the pre-submission consultation process and those who wish to participate in the Stage 2 and/or Stage 3 hearing sessions. It concerns procedural and other aspects of the Examination process.

The role of the Inspectors

2. The Inspectors' role is to determine whether the Wiltshire Local Plan (the Plan) satisfies legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations, whether the Council has complied with the duty to co-operate (DtC) and whether the Plan is sound. **Annex A** to this Guidance Note contains a list of useful publications and websites for advice.
3. The starting point for the Examination is the Plan as submitted, and that the Council submitted the Plan because it considers it to be sound and legally compliant. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of the tests of soundness. In contrast, the Council should rely on its evidence collated whilst preparing the Plan to demonstrate that the Plan is sound. Nonetheless, the Council, and other interested parties, will have the opportunity to put forward suggested changes to the Plan during the Examination in order to address matters of soundness or legal compliance. We will take these suggestions into account.
4. We have and will consider all of the representations duly made on the submission version of the Plan insofar as they relate to legal requirements or matters of soundness. Unresolved issues concerning soundness or legal compliance may be addressed through discussion at the Examination hearings and through consideration of the written representations. However, we are not required to report on every point made. Furthermore, in some cases, the issues we identify may not have been previously raised in the representations. It should be emphasised that our role is not to improve the Plan or to make it "more" sound but to determine whether or not it meets the soundness tests as it stands. For example, if an alternative version of a policy is put forward we cannot recommend it as an improvement if the Plan of which it forms part is already sound. As such the focus of the Examination is in seeking compliance of the Plan in relation to legal and soundness requirements, not perfection.
5. Part of our role is to examine the soundness of the sites that are proposed to be allocated for development in the Plan as submitted. Sites that have been put forward for inclusion in the Plan, but not selected for allocation by the Council, are known informally as "omission sites". It is not part of our role to examine the soundness of omission sites, and, subject to the legal right to be heard (see paragraph 6 below), such sites will not normally be discussed in detail at the hearing sessions. Should the situation arise that additional site(s) are needed (for example, because one or more of the allocated sites is found to be

unsound), we would look to the Council in the first instance to decide which alternative site(s) should be brought forward for Examination.

6. Anyone can observe the hearing sessions, however the ability to speak is not available to all, it is limited to either those with a legal right or those specifically invited by us. This is one of the differences of the Examination process compared to other planning procedures. Those that have made a valid representation (an objection) have the right to make their case during hearing sessions, if they have indicated their wish to do so. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.
7. Those who have made representations supporting the Plan do not have a right to participate in hearing sessions. The Council has submitted the Plan for examination and we expect it to be able to set out and justify its own position. We do not consider it necessary for those who support the Plan to participate in hearing sessions.
8. Through the Programme Officer, we intend to work with the Council and the Examination participants in a proactive and solution-orientated manner. Those taking part should aim to be cooperative and respectful. It is however important to stress that we would not be able to rectify non-compliance with the DtC. Any modifications that we recommend would be limited to those required to address other matters of legal compliance or soundness. Those would be known as the “main modifications”. The main modifications would be subject to public consultation and potentially sustainability appraisal during the Examination.
9. The Examination will close when our report is submitted to the Council. The potential outcomes of the Examination are:
 - a) If we find that the Council has complied with the duty to co-operate, and that the Plan satisfies the legal requirements and is sound - we would recommend that the Plan is adopted and give reasons for this.
 - b) If we find that the Council has complied with the duty to co-operate but that the Plan does not satisfy legal requirements and/or is not sound, but such deficiencies are capable of being resolved by main modification(s) - we would make such recommendations and give reasons for this.
 - c) If we find that the Council has not complied with one or more of the requirements listed in part a) and such matters are not capable of being resolved by main modification(s) – we would recommend that the Plan is not adopted and give reasons for this.
10. Our report is not binding on the Council. However, if the Plan were found to be sound and legally compliant subject to main modifications, the Council should amend it in the light of our recommendations before formal adoption. The Council would also be able to make “additional modifications” to the Plan prior to adoption, provided these do not materially alter the policies or affect the soundness of the Plan, i.e. they are of a minor nature dealing with factual updates or typographical errors. This would be a matter entirely for the Council,

we will not be considering such additional modifications during the Examination and they will not form part of our final report.

11. Further details of the examination process are set out in the Planning Inspectorate's publication Procedure Guide for Local Plan Examinations. See **Annex A** for details of how to access this document.

The role of the Programme Officer

12. The Programme Officer for the Examination is Mr Ian Kemp. He is entirely independent of the Council for the purposes of this Examination, has not been involved in the preparation of the Plan and he works under our direction. Mr Kemp can be contacted regarding the Examination by letter to: PO Box 241, Droitwich, Worcestershire WR9 1DW, by telephone on 07723 009 166 or email: ian@localplanservices.co.uk.
13. The main tasks of the Programme Officer are to act as a channel of communication between ourselves and everyone involved; to liaise with all parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library up to date. The library will be updated to include any additional documents produced during the course of the Examination. All documents will be available via the Local Plan Examination website and this will be kept up to date.
14. During the Examination, any changes to the circulated programme of hearing sessions can be viewed on the web site at:

<https://www.localplanservices.co.uk/wiltshirelpexamination>
15. Alternatively, the Programme Officer will be able to tell you how closely the hearing sessions are following the circulated programme, or if any changes have been made.
16. All procedural questions or other matters that you wish to raise prior to the hearing sessions should be made through the Programme Officer.

Examination hearings

17. The hearing sessions form part of the Examination and Stage 2 will open on **Tuesday 11 November 2025 at 10am in Emmanuel's Yard, Church Street, Trowbridge BA14 8RZ**; with the intention of sitting until Thursday 13 November 2025 that week. The second week of hearings will resume at 10am on Tuesday 2 December 2025 until Thursday 4 December 2025.
18. Stage 3 of the hearings proceeding in early February and March 2026 is contingent on the Inspectors' views at the end of Stage 2 that it would be the most effective manner to progress the Examination. In that respect, Stage 3 is provisionally scheduled to commence on **Tuesday 10 February 2026 at 10am in Emmanuel's Yard, Church Street, Trowbridge BA14 8RZ**; with the

intention of sitting until Thursday 12 February 2026 that week. A second week of Stage 3 hearings will commence at the same venue at 10am on Tuesday 3 March 2026 until Thursday 5 March 2026. The final week of Stage 3 hearings will take place at the same venue and is scheduled to commenced at 10am on Tuesday 17 March 2026 until Thursday 19 March 2026, after which the Stage 3 hearings will be closed. Following the completion of the hearings, the Inspectors aim to write to the Council to set out the potential next steps in the Examination.

19. In terms of the running of the hearing sessions, the first session will start at 10am on each day with the aim to adjourn at 1:00pm, the second session will start not before 2:00pm (There will be a short break during the first and second sessions). The second session of each day will aim to finish by around 5:00pm.
20. A provisional hearings programme has been produced and circulated with these guidance notes. It is possible that the detailed programme will change closer to the hearing sessions. Whilst the Programme Officer will endeavour to keep people informed, it is the participants' responsibility to ensure that they attend the appropriate sessions. The participants for each session will be those who made relevant representations on the Plan and have confirmed to the Programme Officer that they wish to speak.
21. All those who wish to speak at the hearing sessions (Stage 2 and Stage 3) should confirm this in writing or by e-mail to the Programme Officer **by 5pm on Monday 13 October 2025** stating which session or sessions they wish to speak at (referring to the Matter number and /or the specific policy and quoting the respondent reference number). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. **If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearing sessions.** The finalised timetable and list of participants will be confirmed before the hearing sessions commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.
22. We have identified matters and issues which we consider need to be explored during the Stage 2 and Stage 3 hearings stages of the Examination. These are set out in the Inspectors' Matters, Issues and Questions (MIQs) document circulated with these guidance notes. The MIQs document sets out a number of issues and specific questions that will need to be addressed. The hearing sessions will allow us to explore these MIQs further with the Council and other participants, taking into account representations already submitted and written statements made in response to the MIQs. We will lead a discussion in a 'round table' format asking questions of the Council and allowing other participants to contribute as the session continues. Those participants indicating a desire to speak will be given an opportunity to do so. The hearing sessions will be open to the public to observe but only those invited participants will be able to speak. An agenda for each hearing session may be circulated to participants in advance, or otherwise the Inspectors' will take forward their remaining questions following responses to MIQs.

23. Each matter will be the subject of an identified session in the hearing programme. The hearings format will provide a relaxed and informal setting for a discussion led by us. It is not necessary for those participating to be professionally represented but a professional expert may act for you if you so wish. However, at each session there will normally only be space within the hearing for one representative of each group or organisation (apart from the Council, who have two seats), though there is no objection to the representative changing providing this is notified at the time. Legal representatives can take part as a member of the team, but not in a traditional advocate's role, as no cross-examination or opening/closing statements will be permitted following the Council having already been afforded the opportunity to introduce the Plan on the opening day of Stage 1. Depending on the number of requests to speak, for practical reasons it may be necessary to seek to identify a spokesperson where common viewpoints are being expressed.
24. Any requests for assistance in participating or observing the hearing sessions should be made to the Programme Officer as soon as possible.

Submission of hearing statements and further material

25. The Council should produce an individual written statement; addressing all of the issues and specific questions set out in the MIQs document. They should include specific references to supporting evidence where appropriate. The Council is also asked to address key points raised in representations.
26. Other participants may, if they wish, submit written statements addressing the issues and questions set out for the sessions they are attending which are relevant to their particular representations. There is no need to repeat points already made and participants may wish to rely on these earlier representations.
27. If preparing statements, the representors should bear in mind that the Council has suggested potential modifications to the Plan within documents submitted during the Examination (compiled in document SD/41A). In some cases, these may satisfactorily address the comments or objections made.
28. Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Plan, other examination documents or those in the public domain such as the Framework or Planning Practice Guidance; clear cross referencing will suffice. Please note that hearing statements are not an opportunity to introduce new or further arguments. Essentially, we need to know the following from those submitting further statements:
- What particular part of the Plan is not legally compliant and/or unsound?
 - What legal compliance issue or soundness test(s) does it fail?
 - Why does it fail?
 - How could the Plan be made legally compliant or sound?
 - What is the precise change that is sought?

29. The written statements should be sent to the Programme Officer. For both the Council and other participants, the deadline for written statements are:
- **Stage 2 (Matters 1 - 5): 5pm on Monday 20 October 2025, and;**
 - **Stage 3 (Matters 6 - 9): 5pm on Friday 21 November 2025.**
30. This is a strict deadline which must be adhered to for the hearing sessions to proceed as planned. It should be made clear who is submitting the statement (quoting the respondent reference number). Representors using Artificial Intelligence (AI) to prepare hearing statements should be advised of the Planning Inspectorate AI guidance¹.
31. Statements should be no more than 3,000 words long, in A4 format and additional information and evidence should not be appended. Within reason, a flexible approach may be taken to the length of the Council's statements as these are required to cover a large number of individual questions and related issues raised in relevant representations.
32. Other than the statements referred to previously, **no further information or documentation should be submitted to the Examination unless specifically requested.** Any unsolicited items sent in, will be returned to the sender.

Statements of Common Ground

33. Statements of Common Ground are welcome where these would be helpful in identifying points not in dispute, thereby assisting the hearing sessions to concentrate on the key issues that truly need public discussion. They could for example include: agreed factual information of engagement that took place in the plan preparation process and/or points of agreement and disagreement. Work on any further statements that the Council and other parties may wish to submit, should commence now with the aim of completing them in time to influence relevant hearing statements.

Site visits

34. Prior to the arrangement of the hearing sessions, we have familiarised ourselves with the area. We will visit the sites and key locations in the Plan and those referred to in representations as necessary during the remainder of the Examination. Unless essential to enter a site, the visits will be made on an unaccompanied basis.

¹ [Use of artificial intelligence in casework evidence](https://www.gov.uk/guidance/use-of-artificial-intelligence-in-casework-evidence) - GOV.UK (www.gov.uk)

Summary/ key points

- The MIQs document sets out the key questions which we will be considering at the hearing sessions.
- A provisional programme for the Stage 2 and Stage 3 hearing sessions has been published alongside the MIQs and this guidance note, but this could be subject to change.
- Participants at the hearing sessions will be confirmed in due course.
- All of those wishing to speak at the Stage 2 and Stage 3 hearing sessions must confirm this in writing with the Programme Officer by **5pm on Monday 13 October 2025**.
- Statements for the hearing sessions should be based on the MIQs document and must be submitted to the Programme Officer by **5pm on Monday 20 October 2025** for **Stage 2** and **5pm on Friday 21 November 2025** for **Stage 3**.
- Stage 2 of the hearing sessions will start **at 10am on Tuesday 11 November 2025**.
- All documentation relevant to the Examination is available on the Examination website.
- Any queries should be directed to the Programme Officer – Mr Ian Kemp.

Philip Mileham
INSPECTOR

Gareth Wildgoose
INSPECTOR

25 September 2025

Annex A - Sources of relevant documents and advice

The Examination website

All documents and information for the Local Plan Examination are available on the website at:

<https://www.localplanservices.co.uk/wiltshirelpexamination>

If you do not have access to the internet, the documents and other information can be made available to view by arrangement through the Programme Officer, whose details appear on page 3 of this Note.

Government Policy and Guidance

National Planning Policy Framework:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Planning Practice Guidance:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Relevant legislation

Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The Town and Country Planning (Local Development) (England) Regulations 2012

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

Guidance from The Planning Inspectorate

Procedure Guide for Local Plan Examinations

The above document is available at:

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

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