

Charnwood Local Plan Examination

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EXAMINATION CONSULTATION HEARING SESSIONS 2024

GUIDANCE NOTE

Background to the 2024 Hearing

1. The Plan was submitted for Examination on 3 December 2021. Following the first week of the Hearing in June 2022, weeks 2 and 3 were adjourned to allow for consultation on Leicester and Leicestershire's Housing and Employment Land Needs. That Matter (Matter 10) was covered at the Hearing sessions on 25 and 26 October 2022. The resumed Hearing was held from 7 to 22 February 2023, following which, the next steps for the Examination were set out in our letter to the Council (Exam 71). These steps included a period of consultation on the following documents:
 - Charnwood Additional Housing Supply Update September 2023 (Exam 56a)
 - Sustainability Appraisal Addendum (Exam 57)
 - Updated Housing Trajectory and Five Year Supply documents (Exam 58a 58b 58c 58d and 58e)
 - Draft Transport Strategy (Exam 75)
 - Updated Charnwood Local Plan Viability Consolidated Addendum Report August 2023 (Exam 76)
2. The consultation took place between 27 October and 8 November 2023 and the responses have been posted on the Examination website under Exam 77:
https://www.charnwood.gov.uk/pages/examination_documents.
The Council is preparing a summary of the comments received, together with an indication of its response to those comments. The Council's summary document will be posted on the Examination website by 12 January 2024.

3. This guidance note sets out the procedural and administrative arrangements for the next Hearing sessions. A draft programme has also been published.
4. References in brackets () are to the documents in the Examination Library which can be viewed on the Examination website.

The Inspectors' Role in the Examination

5. We have been appointed by the Secretary of State to examine the soundness of the Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations.
6. The National Planning Policy Framework (NPPF) makes clear that, to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. There are three possible outcomes to the Examination:
 - the submitted plan is sound;
 - the submitted plan is not sound but could be made sound by changes (known as *main modifications*), if necessary following additional work; or
 - the submitted plan is not sound and could not be made sound by changes.
7. Following the close of the Hearing and consultation on main modifications, we will prepare a report to the Council with our conclusions. Our report will deal with broad issues rather than with individual representations.

The Programme Officer

8. The Programme Officer for the Examination is Mr Ian Kemp. For the purposes of the Examination, he is working under our direction independently of the Council. He can be contacted using the details at the head of this note. Any procedural questions or other matters that you wish to raise before the Hearing sessions should be made through the Programme Officer.

Hearing Arrangements

9. The Hearing sessions will take place on **20, 21 & 22 February 2024**, with **23 February** as a reserve day. They will be held in person at The Victoria Room, Loughborough Town Hall, Market Place, Loughborough, Leicestershire LE11 3EB.
10. The **draft programme** available with this note sets out the matters

to be discussed at the Hearing sessions. However, the duration and timing of the sessions may be subject to change, and you are advised to check the latest programme on the Examination website.

Participation at the Hearing

10. The 2024 Hearings will address the implications of the issues raised during the Examination consultation for the Plan's legal compliance and soundness. Each session will cover a separate Matter. If you wish to participate at one of the Hearing sessions, you should confirm with the Programme Officer which session you wish to attend by 2 February 2024.
11. Please note that if you do not contact the Programme Officer by 2 February date, it will be assumed that you do not wish to appear and you will not be listed as a participant. Only one participant is allowed per representor. However, in view of their position in covering the whole Plan, more Council representatives may take part in a particular session.
12. Representors who are not seeking changes to the Plan, including those who have made representations supporting it, do not have a right to take part in the Hearing. However, we can invite additional participants to take part if that would assist us in determining the soundness and legal compliance of the Plan.
13. **Unless we specifically request it, we are not inviting the submission of any further written statements or material.** Unsolicited material will be returned.
14. The draft Hearing programme will be finalised as soon as possible after 2 February 2024 and published on the Examination website before the start of the Hearing. **Please note that it is for individual participants to check the Hearing programme, either on the website or with the Programme Officer, and to ensure that they are present at the right time.** If you are unable to attend a session for which you are listed as a participant, please let the Programme Officer know as soon as possible.

Participating at a Hearing Session

15. The Inspectors' agendas will identify specific matters and questions that will form the basis of the discussion at the Hearing sessions. They will take the form of a roundtable discussion, which we shall lead, following the agenda. They will not involve the formal presentation of cases by participants or cross-examination. We have read all the written representations submitted during the Regulation 19 Pre-Submission consultation and the hearing statements

submitted at the earlier Hearings, and it is not the purpose of the Hearing sessions for these to be repeated.

16. The Hearing sessions will normally run between 09:30 and 17:00 each day. A break will be taken for lunch at around 13:00 as well as mid-morning and mid-afternoon breaks. On occasion, there may be a need for flexibility to finish a particular session. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the Hearing sessions.

Privacy

17. The Hearing will be conducted in line with the Council's data protection policies and processes as set out here:
<https://www.charnwood.gov.uk/pages/privacynotice>

Changes to the Plan

18. The starting point is that the Council has submitted a Plan which it considers to be sound and ready for Examination. At this stage, there are only two means by which changes can be made to the submitted Plan:

- (1) main modifications recommended by the Inspectors;
- (2) additional modifications made by the Council on adoption.

19. However, we can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.¹ Main modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential main modifications must be subject to consultation and further Sustainability Appraisal and assessment under the Habitats Regulations might also be needed.

20. 'Additional modifications' are those changes which would not materially affect the policies in the Plan². They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' They are likely to include corrections of typographical errors, factual updating and consequential changes. The Council is accountable for any such changes and they do not fall within the scope of the Examination.

¹ Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

² S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

21. The Council has proposed some additional modifications to the Plan in the 'Schedule of Proposed Minor Modifications' (SD/12). In its letter of 21 February 2022 (Exam 1A), the Council has formally requested us to recommend main modifications that may be necessary to rectify matters of soundness or legal compliance. The Council has prepared a table of main modifications (Exam 4) and further changes will be discussed at the next Hearing sessions. However, it is important to note that the basis for the Examination is the submitted Plan not including the suggested changes.

Rejected/Omission Sites

22. It is not part of our role to examine the soundness of rejected or alternative sites put forward by representors.

Site Visits and Close of the Examination

23. The Examination will remain open until our report has been submitted to the Council. However, we will not accept any further representations or evidence after the Hearing sessions have ended unless we specifically request it. Late or unsolicited material may be returned.

Key Dates

2 February 2024 - deadline to confirm with the Programme Officer whether you wish to participate at a Hearing session.

20 February 2024 - Hearing sessions begin

Further Information

24. Further information about the Examination of Local Plans can be found in the Planning Practice Guidance <https://www.gov.uk/guidance/local-plans>, the [Procedure Guide for Local Plan Examinations \(February 2022\)](#), and Local Plans: Taking Part in Examinations <https://www.gov.uk/guidance/taking-part-in-local-plan-examinations>.

Sarah Housden and Hayden Baugh-Jones

INSPECTORS