

## **Charnwood Local Plan Examination**

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# **EXAMINATION CONSULTATION ON LEICESTER AND LEICESTERSHIRE HOUSING AND EMPLOYMENT LAND NEEDS**

## **GUIDANCE NOTE**

### **The Inspectors' role in the Examination**

1. We have been appointed by the Secretary of State to examine the soundness of the Charnwood Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations. The Plan being examined is the 'Charnwood Local Plan 2021 – 37 Pre-Submission Draft July 2021' (the Plan).
2. The National Planning Policy Framework (July 2021) (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.
3. Following the close of the hearing 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**

4. 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.

5. The main tasks of the Programme Officer are to act as a channel of communication between all parties and us, to liaise with the parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed and to run the Examination Library. Copies of supporting evidence documents can be found on the Examination website <https://www.charnwood.gov.uk/pages/examination>. This is hosted on the Council's website, but its content is controlled by the Inspectors and the Programme Officer.
6. Any participant who does not have access to the internet should contact the Programme Officer to arrange access to the library. Any procedural questions or other matters that you wish to raise should be made through the Programme Officer.

### **Background to the Examination Consultation**

7. The Plan was submitted for Examination on 3 December 2021 and the hearing opened on 28 June 2022. The submitted Plan does not address Leicester's unmet housing need. However, at the hearing session on 28 June 2022, the Council indicated that it would be willing to meet Charnwood's apportionment of Leicester's unmet housing need through this Plan, rather than as part of any Plan review. This is a significant change and, as a result, the hearing sessions scheduled for weeks two and three were adjourned to allow for a period of consultation on any new evidence to be undertaken. This consultation therefore relates to the Leicester & Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (SoCG) (Exam 43) and the evidence documents underpinning the updated SoCG.
8. Everyone who responded to the Regulation 19 Pre Submission Local Plan consultation is being contacted to inform them of the consultation on the new documents. If you have previously submitted representations on the Plan, these will be considered as part of the Examination and it is not necessary to repeat those. However, if you have any new comments to make in response to the new evidence documents set out below, this note provides further guidance on how to respond and the arrangements for the hearing session on Leicester and Leicestershire's housing and employment land needs.

### **Consultation**

9. The following documents are available as part of the consultation:

- Leicester and Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (SoCG) (Exam 43)
  - Leicester and Leicestershire Housing and Economic Needs Assessment Final Report (HENA) (Exam 44a), Executive Summary (June 2022) (Exam 44b) and Appendices (Exam 44c)
  - Leicester and Leicestershire Housing and Economic Needs Assessment – Housing Distribution Paper (June 2022) (Exam 45)
  - Leicester and Leicestershire Housing and Economic Needs Assessment – Employment Distribution Paper (June 2022) (Exam 46)
  - Leicester and Leicestershire Statement of Common Ground Sustainability Appraisal Report (SA) (Exam 47a) and Non-Technical Summary (June 2022) (Exam 47b)
10. These documents are available on the Examination website <https://www.charnwood.gov.uk/pages/examination>. If you do not have access to the internet, please contact the Programme Officer using the details provided above to make alternative arrangements.
11. Comments on the above documents should be made by responding to the Inspectors’ Matters, Issues and Questions (MIQs) that have been published alongside this Guidance Note. When responding, you should ensure the following:
- responses should be no more than 3000 words and within this limit they should be kept as short as possible. Appendices should not be submitted. As the Council must answer all the questions put, it is not subject to the word limit.
  - clearly identify the number(s) of the question(s) being answered;
  - include the name of the representor and a cross reference to the original representation, this should be by representation number which is available from the Programme Officer.
12. Responses should be submitted in an electronic format to the Programme Officer by 12 noon on 26 September 2022 using the contact details provided above. Paper copies of statements are not required but if you wish to submit in that format, please contact the Programme Officer to make the necessary arrangements. Unless there are exceptional circumstances, late submissions will not be accepted.

13. Responses will be posted on the Examination website, so that they are available to all participants and to anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the website should contact the Programme Officer to make alternative arrangements for viewing.
14. Aside from the responses to the MIQs, no other written evidence will be accepted, unless we specifically request it. The hearing session should not be used to introduce new evidence.

### **Participation at the Hearing Session**

15. The Leicester & Leicestershire Housing and Employment Land Need hearing session will take place on **25 and 26 October 2022** and will be held at The Victoria Room, Loughborough Town Hall, Market Place, Loughborough, Leicestershire LE11 3EB. The timing for the resumption of the remaining hearing sessions which were adjourned will be made available on the Examination website.
16. The hearing session will run between 09:30 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. There may be a need for flexibility on finishing times to finish the 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 session.
17. Anyone who considers that it is necessary for them to participate in the Leicester and Leicestershire's housing and employment land need hearing session should confirm attendance with the Programme Officer by 26 September 2022 (12 noon). 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 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.
18. 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 may invite additional participants to take part if that would assist us in determining the soundness and legal compliance of the plan.
19. Written representations carry the same weight as those made at the hearing session and we shall have equal regard to views put at the hearing or in writing. Attendance at the hearing session will only be useful and helpful to us if you wish to participate in the discussion.

## **Format of the Hearing Session**

20. The MIQs will form the basis of the discussion at the hearing session which will take the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. The hearing session will be open to all to observe.
21. If you wish to participate at the hearing session, provided that your response to the MIQs is provided within the timescale set out above, it will be treated as a hearing statement and it will not be necessary to submit any further written material.

## **Privacy**

22. The hearing session 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**

23. 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.
24. 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.<sup>1</sup> 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.
25. 'Additional modifications' are those changes which would not materially affect the policies in the Plan<sup>2</sup>. 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

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<sup>1</sup> Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

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

accountable for any such changes and they do not fall within the scope of the Examination.

26. The Council has proposed some additional modifications to the plan in the 'Schedule of Proposed Minor Modifications' (SD/12). In their 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 also prepared a table of main modifications (Exam 4) and further changes will be discussed as the hearing sessions progress. However, it is important to note that the basis for the Examination is the submitted Plan not including the suggested changes.
27. Please note that following the hearing session on Housing and Employment Land Needs, any main modifications that are necessary to make the Plan legally compliant or sound will be discussed at the resumed hearing sessions in due course.

### **Key Dates**

26 September 2022 (12 noon) – deadline for responses to MIQs and to confirm with the Programme Officer whether you wish to exercise your right to be heard at the Leicester and Leicestershire Housing and Employment Land Needs hearing session.

25 October 2022 - Hearing session begins

### **Further Information**

28. 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