

Charnwood Local Plan Examination

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EXAMINATION GUIDANCE NOTE

This note should be read in conjunction with the Matters, Issues and Questions (MIQs) document and the Draft Hearing Programme. References in brackets () are to the documents in the Examination Library which can be viewed on the Examination website
<https://www.charnwood.gov.uk/pages/examination>

Key Dates

13 May 2022 - deadline to confirm with the Programme Officer whether you wish to exercise your right to appear at an Examination hearing session – no later than 12 noon.

6 June 2022 (12 noon)- submission of hearing statements.

28 June 2022 - Hearing sessions begin

Purpose of the Guidance Note

1. This note provides guidance to representors on the procedural and administrative arrangements for the Examination. All representors should familiarise themselves with the contents of this note, particularly those wishing to submit further statements and/or take part in the hearing sessions.

The Inspectors' role in the Examination

2. 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. The Plan being examined is the 'Charnwood Local Plan 2021 – 37 Pre-Submission Draft July 2021 (the Plan).
3. 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.
4. Following the close of the hearings 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

5. 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.
6. 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.
7. 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 before the hearing sessions should be made through the Programme Officer.

Representations on the Plan

8. The Council has provided a broad response to the main issues raised during the Regulation 19 consultation which took place in July and August 2021 in the 'Regulation 22 Statement of Consultation' (SD/13). It has also published the representations in summary and in full on the Examination website (SD/11).
9. A full set of the representations made on the Plan at the Regulation 19 stage has been provided to us and we will take them all into account. The legislation does not require us to take account of any representations made at any earlier stage, including under Regulation 18.

Additional examination documents since Plan submission

10. Other documents that have been added to the Examination website since the plan was submitted for Examination are as follows:

Inspectors' Preliminary Matters letter (EXAM 1)

Council's Response (EXAM1A)

Inspectors' Further Response (EXAM 2)

Council's Response (EXAM 2A)

Arrangements for the Hearing Sessions

11. The Examination hearing sessions will take place on:

28 – 30 June, 12 - 14 July and 19 – 22 July 2022

12. The hearing sessions will be in person and will be held at The Victoria Room, Loughborough Town Hall, Market Place, Loughborough, Leicestershire LE11 3EB. These notes include the details relating to participation in the hearing sessions. Representors who submitted a response during the Regulation 19 consultation seeking to change the Plan have a right to appear before and be heard by the Inspectors at the hearing sessions.¹
13. The **draft hearing programme** available with this note sets out the draft timetable and the matters to be discussed at the hearing sessions and includes a reserve session should any of the hearings over run. 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.
14. Any person with a right to be heard, but who does not wish to attend the physical hearing sessions, will instead be able to make their representations to the Inspectors at one of the Virtual (Zoom) sessions. Further details of participation at the virtual sessions will be provided nearer to the time of the event. Please note that the virtual hearing sessions are for representors who are unable to attend in person and although the Inspectors may have some questions, those sessions will not take the form of a round table discussion.

¹ S20(6) of the PCPA 2004

Participation at the Hearing Sessions

15. If you have a right to be heard and you wish to exercise that right, you should contact the Programme Officer by noon on **13 May 2022** indicating which sessions in the draft hearings programme you wish to participate in. **You must do this regardless of what you may have indicated in your original representations.** 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 sometimes more Council representatives may take part in a hearing session.
16. Before deciding whether to appear, representors should familiarise themselves with the Council's broad responses to the main issues raised in the representations to the Plan in the Regulation 22 Statement of Consultation² and the Council's response to the Inspectors' Preliminary Matters letter to note how the Council may have dealt with their concerns.
17. 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 hearings. However, we may invite additional participants to take part if that would assist us in determining the soundness and legal compliance of the plan.
18. The hearings programme will be finalised as soon as possible after 13 May 2022 and published on the Examination website before the start of the hearings. **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.
19. Written representations carry the same weight as those made at the hearing sessions and we shall have equal regard to views put at the hearings or in writing. Attendance at a hearing session will only be useful and helpful to us if you wish to participate in the discussion.

Participating in a Hearing Session

20. The Matters, Issues and Questions will form the basis of the discussion at the hearing sessions and should be the basis on which any further written statements are prepared. The hearings will take

² Document SD-13

the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. Each matter will be the subject of separate discussion, although the discussion on some matters may take place over more than one hearing session. We shall take account of all the written representations already submitted and it is not the purpose of the hearings for these to be repeated.

21. On **28 June 2022, the session will start at 10am**. All other 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 particular sessions. 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

22. The hearing sessions 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>

Hearing statements

23. The Council should produce a hearing statement for each of the Main Matters listed in the Matters, Issues and Questions. We would strongly encourage concise answers and where appropriate questions can be answered by providing references to specific parts of the evidence base, or to the published Topic Papers.
24. Other representors who have a right to participate in the hearings can also submit further statements, but **only on the questions of relevance to their original representation**. However, it is not a requirement to submit a hearing statement if you wish to rely on your original representation.
25. Hearing statements should be a maximum of 3000 words for each Main Matter. Within this limit, they should be kept as short as possible. **Appendices should not be submitted**. As the Council must answer all the questions, it is not subject to the word limit.

In addition, you should ensure the following:

- Please submit a **separate statement** for each matter being addressed;
- **only** answer the specific questions which are of relevance to your

- original representation made at the Regulation 19 stage;
- clearly identify the number(s) of the question(s) being answered;
- indicate whether any other changes are needed to make the Plan sound (providing detailed suggested wording for the change and if appropriate, any changes sought to the Policies Map)
- the name of the representor and a cross reference to the original response are included, this should be by representation number which is available from the Programme Officer.

26. **An electronic version of each hearing statement should be submitted to the Programme Officer by 12 noon on 6 June 2022.** 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.
27. Hearing statements will be posted on the Examination website, so that they are available to all participants and 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.
28. Aside from the hearing statements, no other written evidence will be accepted, unless we specifically request it. The hearing sessions should not be used to introduce new evidence.

Changes to the Plan

29. 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.
30. 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.³ 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.

³ Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

31. 'Additional modifications' are those changes which would not materially affect the policies in the Plan⁴. 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.
32. 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. However, it is important to note that the basis for the Examination is the submitted Plan not including the suggested changes.

Rejected/Omission Sites

33. It is not part of our role to examine the soundness of rejected or alternative sites put forward by representors. Consequently, discussion at the hearing sessions and in response to these MIQs should focus on whether the proposed site allocations in the submitted plan are sound.

Site Visits and Close of the Examination

34. If we consider it necessary to our assessment of the soundness of the plan, we shall visit sites and areas referred to in the representations before, during, or after the hearings. We will do these on an unaccompanied basis unless there is a need to go onto private land in which case arrangements will be made by the Programme Officer as necessary.
35. 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

13 May 2022 - deadline to confirm with the Programme Officer whether you wish to exercise your right to appear at an Examination hearing session.

⁴ S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

6 June 2022 (12 noon) - submission of hearing statements.

28 June 2022 - Hearing sessions begin

Further Information

36. 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