

## **Charnwood Local Plan Examination**

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### **EXAMINATION GUIDANCE NOTE**

### **EXAMINATION HEARING SESSIONS 2023**

#### **Background to the 2023 Hearing Sessions**

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 and on the evidence underpinning the Statement of Common Ground (Exam 43). A separate Matters, Issues and Questions (MIQs) document on the issue of unmet need for housing and employment (Matter 10) was published for consultation, and the matter was covered at the Hearing sessions on 25 and 26 October 2022.
2. The next Hearing sessions will cover the remaining MIQs that were not dealt with at the June or October Hearing sessions, together with some supplementary questions where the Inspectors consider these to be necessary in the light of their initial findings on the unmet need for housing and employment (Exam 55), to address some changes in national guidance and to provide necessary updates. This note provides guidance to representors on the procedural and administrative arrangements for the resumed Hearing.
3. A separate MIQs document has been published alongside this note. All representors should familiarise themselves with this Guidance Note, particularly those who wish to respond to the supplementary questions, to update hearing statements that have already been submitted, and/or take part in the resumed 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 <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.

## **Key Dates**

**9 January 2023** (12 noon)- deadline to confirm or re-confirm with the Programme Officer whether you wish to exercise your right to appear at a Hearing session and if so, upon which Matters(s).

**16 January 2023** (12 noon)- submission of hearing statements.

**7 February 2023** - Hearing sessions begin

## **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. The Plan being examined is the Charnwood Local Plan 2021 – 37 Pre-Submission Draft July 2021 (the Plan).
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.
9. 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.

10. 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**

11. 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).
12. 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.

### **Arrangements for the Hearing Sessions**

13. The Examination Hearing sessions will take place on 7,8,9,14, 15,16,17,21 & 22 February 2023, with 23 February as a reserve if required. The Hearing sessions will be held in person at The Victoria Room, Loughborough Town Hall, Market Place, Loughborough, Leicestershire LE11 3EB.
15. 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 in case of any 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.
16. Any person with a right to be heard<sup>1</sup>, but who does not wish to attend the physical Hearing session, will instead be able to make their representations to the Inspectors at a Virtual (Zoom) session. Further details of participation at the virtual session will be provided nearer to the time of the event. Please note that the virtual Hearing session is 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.

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<sup>1</sup> S20(6) of the Planning and Compulsory Purchase Act 2004

## Participation at the Hearing Sessions

17. If you have a right to be heard and you wish to exercise that right, you should contact the Programme Officer by noon on **9 January 2023** indicating which session(s) you wish to participate in. **Please note that it will be necessary to re-confirm your attendance, even if you were previously included as a participant for the June/July 2022 Hearing sessions.** 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.
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. The Hearing programme will be finalised as soon as possible after 9 January 2023 and published on the Examination website before the start of the Hearing sessions. **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.
20. Written representations carry the same weight as those made at the Hearing sessions and we shall have equal regard to views put at the Hearing 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 at a Hearing Session

21. The MIQs and supplementary questions will form the basis of the discussion at the Hearing sessions which will take the form of a roundtable discussion which we shall lead, following an agenda. 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 during the Regulation 19 Pre Submission consultation, and it is not the purpose of the Hearing sessions for these to be repeated.

22. 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

23. 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

24. Any Hearing statements that were submitted for the June 2022 Hearing sessions will be taken as read, and there is no need to re-submit them.
25. The Council should produce a response to each of the supplementary questions set out in the MIQs. If the Council considers it necessary to do so, updates to the submitted Hearing statements can also be provided. 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.
26. If you have a right to participate in the Hearing sessions, you can submit a response to the supplementary questions. You can also submit an update to any Hearing statement that you previously submitted for the June 2022 Hearing sessions, if you consider it necessary to do so. However, it is not a requirement if you wish to rely on the original representation that you made at the Regulation 19 stage or on the Hearing statement that you submitted for the June 2022 Hearing session.
27. Responses to the supplementary questions and any updates should be a maximum of 1,000 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 response** for each Main Matter – this should include any responses to the supplementary questions and/or any updates to hearing statements that have already

been submitted;

- 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.

28. **Responses should be submitted in an electronic format to the Programme Officer by 12 noon on 16 January 2023.** Paper copies 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.

29. All responses 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.

30. Aside from the responses to the supplementary questions no other written evidence will be accepted, unless we specifically request it.

### **Changes to the Plan**

31. 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.

32. 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>2</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

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<sup>2</sup> Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

Sustainability Appraisal and assessment under the Habitats Regulations might also be needed.

33. 'Additional modifications' are those changes which would not materially affect the policies in the Plan<sup>3</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 accountable for any such changes and they do not fall within the scope of the Examination.
34. 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**

35. 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 should focus on whether the proposed site allocations in the submitted Plan are sound.

### **Site Visits and Close of the Examination**

36. 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 Hearing. 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.
37. 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**

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

9 January 2023 (12 noon) - deadline to confirm with the Programme Officer whether you wish to exercise your right to appear at an Examination Hearing session.

16 January 2023 (12 noon) - submission of Hearing statements.

7 February 2023 - Hearing sessions begin

### **Further Information**

38. 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