

## NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION

### GUIDANCE NOTE FROM THE INSPECTOR

**Note** - This guidance should be kept for reference throughout the Examination. It should be read in conjunction with **Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016 (4th Edition v.1)** [available at <https://www.gov.uk> or from the Programme Officer] and with the attached **Provisional Schedule of Matters for Discussion and Outline Programme of Hearings** [IN/04].

Document References in [italic square brackets] are to the **Examination Library List** which can be viewed on the Examination web page or obtained from the Programme Officer.

**Items in bold italic are for particular note or action.**

#### Key Dates

**Monday 28 November 2016**

Advise Programme Officer of Participation.

**Monday 12 December 2016**

Position Statements submitted.

**Thursday 5 January 2017**

Opening Hearing Session on Legal, Procedural and Strategic matters followed by Hearings on other Matters up to Tuesday 17 January 2017.

**The Council web site or the PO should be consulted on further dates and the progress of the Examination**

#### Introductions

1. The appointed **Inspector** is **Brian J Sims BSc(Hons) CEng MICE MRTPI**.
2. The **Programme Officer** (PO) is **Carmel Edwards**. The PO is not an officer of the North West Leicestershire District Council but acts as an independent officer of the Examination under the direction of the Inspector. She is responsible for the organisation and administration of the Examination, keeps the Examination Library and provides a central point of contact for all parties. No one should attempt to contact the Inspector directly. This is in order to protect his impartiality.

3. Details of how to contact the PO are as follows:

**Address:** c/o North West Leicestershire District Council  
Council Offices  
Whitwick Road  
Coalville  
Leicestershire  
LE67 3FJ

**e-mail:** *carmel.edwards@nwleicestershire.gov.uk*

**telephone:** 07969 631930

4. **North West Leicestershire District Council** will be represented by:

Jim Newton (Head of Planning and Regeneration)  
Ian Nelson (Planning Policy Team Manager)  
and other officers as appropriate.

#### **Venue**

5. The Examination Hearings will take place at

**Heartwood Conferencing**  
**Rothley House, Unit 1 Coalville Business Park**  
**Jackson Street**  
**Coalville**  
**Leicestershire**  
**LE67 3NR**

The venue is a few minutes drive from the centre of Coalville and a one minute walk from the nearest bus stop.

There is ample free parking and full disabled Access.

More details and a map are available on the examination website or from the Programme Officer.

#### **Note**

*One or more Hearing sessions may take place in the Council Chamber.  
Any such change of venue will be notified on the programme, agendas and on the Council web site.*

*Address:*

*Council Offices  
Whitwick Road  
Coalville  
Leicestershire  
LE67 3FJ*

*The Council Chamber is located on the first floor accessible via a lift.*

*Public parking is available in two car parks which adjoin the Council Offices, one accessed off London Road and one off Whitwick Road.*

## Starting Point and Purpose of the Examination

6. The basis of the Examination is the **North West Leicestershire Local Plan Publication Version** (the Plan), as published for consultation from 4 July to 15 August 2016. [LP/01]
7. The Hearings will first consider whether the Plan is compliant with legal requirements and the Duty to Co-operate as set down in the National Planning Policy Framework (NPPF) and legislation<sup>1</sup>.
8. Otherwise the Examination is an independent check on the soundness of the Plan concentrated mainly on whether its strategy, quantitative provisions and allocated sites are justified and effective, in terms of the robustness of the evidence base, deliverability, flexibility and ability to be monitored.

## Modifications to the Plan

9. The Council has formally requested under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) that, should the need arise, the Inspector recommends such Main Modifications (MMs) as may be necessary to make the Plan sound.
10. Additional minor modifications not affecting soundness but improving accuracy or clarity may be put forward by the Council and referred to in the Examination but are not themselves for examination.
11. The Council submitted with the Plan a Schedule of Proposed Minor Modifications [LP/03]. However the Inspector considers that certain of these – M4 and M10 – justify consideration as MMs. [IN/02]
12. These and any other MMs which are found to be necessary will be discussed at the Hearings and made subject to further public consultation, when all representations will be taken into account before any recommendation for their adoption is made.

## Scope for Modification - Alternative or 'Omission' Sites

13. It is **not** for the Inspector to seek to improve the Plan or make it "more sound". The Inspector will make recommendations for MMs only where necessary to ensure soundness.
14. There will accordingly be no oral sessions on "omission sites". That is because the Plan is the property of the Council and the community. In the spirit of Localism it is not for the Inspector to recommend specific alternative sites. In the event that the Plan were to be found unsound with the sites it allocates, the Council would be asked to consider and propose additional or alternative sites as Main Modifications (MMs) to the plan for further consultation.
15. Nevertheless, Representors promoting sites not allocated in the Publication Plan have a right to be heard in support of a duly made objection. However, an objection to the "omission" of a site is, in effect, an objection to the site selection process, or the Plan requirement, or the deliverability of development land or the

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012  
The Localism Act 2011 Section 112

Plan strategy and will be redirected and heard, as such, in the appropriate sessions reserved for those issues or, if necessary, in a general session.

### **Appearances, Written Evidence and Position Statements**

16. ***Equal weight will be given to the original written responses as to oral submissions. Representors seeking a change to the Plan therefore need only exercise their right to be heard when they wish to discuss matters with the Council and the Inspector.***
17. ***Before deciding whether to appear, Representors should study the Summary of Issues and Council Responses (Document EX/03) together with the proposed minor changes (Document LP/03) to note how the Council may have dealt with their concerns.***
18. ***Persons and organisations of a similar point of view are urged to combine together*** because the Inspector will not allow repetition. The PO will assist in such arrangements.
19. Occasionally, the Inspector may invite a person or organisation who has not expressed a wish to appear to take part in a hearing where this would be advantageous to his understanding of the evidence.
20. Whilst original consultation responses were made and summarised generally on a policy by policy basis, the programme of hearings will be arranged over a series of main issues and matters for discussion which, invariably, range over several sections and policies of the Plan document.
21. Accordingly, in order to assist all participants preparing for the Hearings and to facilitate focussed discussion, the Council and all Representors scheduled to appear are invited to submit a **Position Statement** (PS) for each matter they are invited to discuss.
22. The PS must be sent to the PO ***no later than three weeks before the first Hearing***, setting out in a ***strict maximum of 3000 words per Matter*** the Council's or Representors' position on the issues of concern.
23. ***The submission of a PS must not be taken as an opportunity to submit new responses or fresh evidence. The PS must not be accompanied by any appendices.*** Reliance must be placed essentially on the Original Response to the Publication Plan, which is taken as the complete case for the Representor.
24. ***PSs will only be accepted if they bear the name of the Representor and the Hearing to which they relate and are printable to A4 paper format. They will not be accepted with special title sheets or binding.***
25. The PS would helpfully make cross-reference to the Original Response. Alternatively, Representors may choose to rely entirely upon their Original Response. ***Such cross-reference should be by Representation Number with reference to the Examination Database held by the PO.***
26. ***Three paper copies of the PSs are to be submitted to the PO for distribution to the Inspector, the Council and a copy for the Examination library. Additionally, an electronic copy is required for posting on the examination website and to enable the PO to circulate them to all participants of the Hearing sessions.***

27. Once the Hearing Sessions are completed the Inspector will not accept further written information from anyone unless he has himself requested it. Any unsolicited items will be returned.

## **Programme and Hearings**

28. On consideration of the Plan and its evidence base following submission, the Inspector understands the urgency with which the Council seeks to proceed with the Examination in the face of the Government imperative to have an adopted Local Plan in place as soon as possible. Neither the decision by the Council to submit the Plan before the completion of the ongoing Housing and Employment Development Needs Assessment (HEDNA) nor any other aspect of the Plan or the supporting documentation so far studied by the Inspector need delay the Examination from proceeding directly to oral Hearings at the earliest possible date.
29. However, the Examination and the Hearings will provide the proper opportunity to establish whether the Duty to Co-operate has been met, along with other legal requirements, and whether, in particular, the evidence base currently available provides robust justification for considering the housing and employment requirements and provisions in the Plan as submitted to be sound, albeit subject to a possible early review as matter of policy should evidence of significantly higher or lower requirements emerge from the HEDNA once complete.
30. The Inspector has therefore provided a ***Provisional Schedule of Matters for Discussion and Programme of Hearings.*** [IN/04]
31. ***The Hearings are scheduled to begin at 10.00 am on Thursday 5 January 2017.***
32. A firm programme will be drawn up as soon as possible after responses to the invitation to participate are known. The Inspector will issue an Agenda to structure the discussion at each Hearing, normally shortly before the date that the Hearing is to take place. These will often identify which speaker may be invited to open discussion on any given points.
33. Examination Hearings are inclusive, relatively informal round table sessions where the Inspector leads a discussion on the matters of soundness he has identified from the representations and the evidence base of the Council. The Inspector will deal with the ***Duty to Co-operate*** and any points of ***Legal Compliance*** immediately after opening the first Hearing session.
34. ***Where Representors have raised a matter of soundness not identified by the Inspector but still wish to appear, a suitable item will be added to an appropriate hearing session.*** If any Representor considers that an additional item is required, this should be raised with the PO at the earliest opportunity.
35. Only very exceptionally would formal cross-examination be permitted and then only in response to convincing submissions in advance that this is essential to the proper testing of the evidence on a particular point.
36. ***When invited to take part in a Hearing session, Participants on arrival are asked to find their nameplate and take their place at the table. During the discussion, the nameplate can be stood on end to indicate a wish to speak. Only one seat is provided per Representor but participants may change round during the proceedings according to their subject of interest. In view of their particular position in covering the whole Plan, two or***

***sometimes more Council representatives may sit at the table, depending on the subject under discussion.***

37. ***Representors are requested to keep in touch with the PO or the Council Examination web page regarding the programme.*** Generally sessions are held on Tuesdays to Thursdays from 10am to 5pm with a break for lunch and short mid-session adjournments. On Mondays the Examination will sit from noon until about 6pm with no long adjournment. On Fridays the Examination will sit from 10am until about 2-30pm but without a long lunch adjournment.
38. Members of the public not involved in the Hearings may of course attend to observe.

### **Document Library**

39. The Document Library is available for consultation via the NWLDC website or the PO. An updated Library List will be displayed on the website with links to electronic versions of all Documents.

### **Site Visits**

40. The Inspector will carry out a tour of the District County to familiarise himself with the area. Where necessary, the Inspector will visit sites referred to in the representations, either before, during or after the Hearings, normally unaccompanied, save where access might be required to private land. In that case the PO will arrange a suitable date and time for an accompanied visit.

### **Inspector's Report and Close of the Examination**

41. The Inspector will not complete his Report until he is satisfied that all Representations and other evidence have been taken into account and that he has gathered all the information he requires to form reasoned conclusions on any matter of soundness.
42. In line with established current practice, the Report will be as brief as possible consistent with dealing with all matters of legal compliance and soundness and will not rehearse the individual arguments of Representors. The essential focus of the Report will be upon any Main Modifications required to ensure the soundness of the Plan.
43. The Examination itself will be formally closed on delivery of the Report to the Council.

*Brian Sims*

Inspector

15 November 2016