

## NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION

### PRELIMINARY NOTE TO THE COUNCIL BY THE INSPECTOR

1. I have so far had no more than a cursory view of the submitted documents but I have some early comments on documentation, procedure and programming. I will correspond further with the Council in the next two to three weeks, broadly in line with the notional timeline set down at page 6 of the Planning Inspectorate guide **Procedural Practice in Examination of Local Plans 4<sup>th</sup> Edition of June 2016** (the Procedural Guidance).
2. Meanwhile, I should be obliged if the Council would give its attention to the following matters. **Text in bold font indicates actions requested by the Council.**

#### Documentation

##### *Regulation 22 Statement*

3. As far as I can so far ascertain, the Council does not appear to have submitted a statement of issues arising from representations made under Reg20 on the publication of the plan, and responses to them, in the manner recommended in the Procedural Guidance. That is as distinct from the responses to the Reg 18 consultation which appear to be fully documented.
4. The Procedural Guidance refers to this at page 4 paragraph 8 and states at page 12 para 1.10:  
**"It is well worth investing the time in producing a focused and comprehensive statement of the main issues under Reg 22(1)(c)(v) as this will be the first introduction of the Inspector to the likely issues to be addressed in the examination. While not a legal requirement, it is also very helpful if the LPA briefly indicates its response to the representations, i.e. both to the main issues it has identified and to all the representations."**
5. This advice is well founded on wide experience. Paragraph 10.7 of Doc LPAC/19 – Statement of Consultation - might be taken as complying with the strict terms of Reg 22. However, it is extremely brief and fails to illuminate the issues in any detail with reference to policies and sites or representors.
6. In the absence of more detailed analysis, my initial preparation to acquire an essential understanding of the issues for the examination will take significantly longer than might have been the case, with implications for programming but also cost. **I therefore take this early opportunity to ask the Council to redirect me, as soon as possible, to such a statement if it is present within the**

**documentation already submitted or, otherwise, to indicate if and when it intends to provide a focused and comprehensive statement of main issues and responses as an aid to preparation.**

#### *Other Documents*

7. In my set of examination documents, **Doc EC/06 is disassembled and I should appreciate a replacement copy. Docs ENV18 and ENV/19 are missing and I should appreciate copies of these.**
8. The submission letter is accompanied by a **Joint Statement by the Leicestershire Authorities on Collaborative Planning.** This is not referenced or numbered but **should be given a number if it is to be an examination document.**
9. The submission letter refers to correspondence between the Leader and Chief Executive of the Council and to Counsel's opinion regarding the submission of the plan in the light of the Government priority to have local plans in place without delay. **I would ask the Council to consider whether this correspondence/opinion should be examination documents or to provide a reference to them if they are already submitted as such.**

#### *Database of Representations*

10. The original representations are commendably ordered and indexed by both policy and number. However, the index is not yet related to a database of representations by name of representor. **I gather this is in hand with the Programme Officer and look forward to receiving it as soon as possible.**

#### **Programme and Procedure**

11. I understand the urgency with which the Council wishes to pursue the examination and ultimate adoption of the plan and I am equally committed to as efficient an examination as possible.
12. However, whilst it is impossible at this stage to predict a likely programme of hearings, I would advise the Council that its suggested date for commencement of hearings in the week beginning 5 December 2016 is not practical for me. The earliest I could begin hearing sessions would be in the week beginning 12 December, still broadly in accord with the guide timeline, with possible dates for further sessions in the week beginning 9 January 2017 (and 19 December 2016 and 2 January 2017 as less preferred alternatives). That is entirely without prejudice to the progress of preparation and whether any issue arises that might cause a delay. It must, of course, be remembered that six weeks public notice is required in any event.
13. Again without prejudice, the outline schedule of hearings suggested in the submission letter appears realistic in terms of overall extent and

likely duration, save that a separate affordable housing session is often required.

14. Also, in line with evolved practice, I shall not propose oral sessions on "omission sites". That is because it is the Council's plan and it is not part of current practice for an Inspector to recommend specific alternative sites. In the event that the plan is found unsound with the sites it allocates, the Council would be asked to consider and propose alternatives as Main Modifications (MMs) to the plan for further consultation.
15. That is, of course, subject to a formal request under section 20(7C) of the 2004 Act that any MMs necessary to rectify unsoundness be recommended.
16. Notwithstanding this approach, nothing can remove the right of a representor to appear 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 strategy and will be redirected and heard, as such, in the appropriate sessions reserved for those issues or, if necessary, in a general session.

*Brian Sims*

Inspector

19 October 2016