

**NORTH WARWICKSHIRE BOROUGH COUNCIL**  
**LOCAL PLAN EXAMINATION**

**GUIDANCE FOR PARTICIPANTS**

**Introduction**

1. This note follows two previous sets of questions I asked of North Warwickshire Borough Council ('NWBC') [INSP1, INSP2]. It sits alongside a draft programme [INSP4] and a draft schedule of matters, issues and questions ('MIQs') [INSP5]. MIQs at this stage relate only to the strategic matters engaged in the examination of the Local Plan ('LP'), i.e. matters 1 to 8. Hearings are only so far scheduled for matters 1 to 4. Both the programme and MIQs are subject to change.
2. This note provides guidance to participants in the examination process on procedural and administrative arrangements. More detailed information on Local Plan examinations is set out in the Planning Inspectorate's Procedural Practice in the Examination of Local Plans document of June 2016, in the National Planning Policy Framework ('NPPF'), and the Planning Practice Guidance ('PPG').
3. As set out in INSP1, the appointed Programme Officer ('PO') is Kerry Trueman. She may be contacted at [kerrytrueman@northwarks.gov.uk](mailto:kerrytrueman@northwarks.gov.uk), 07582 310364. She is an independent officer responsible for the administration of the examination under my direction. She will organise hearings, maintain the examination library, record and circulate all materials received, and advise on any programming and procedural queries. For propriety any matters that NWBC or participants would wish to raise with me should be addressed to her in the first instance.
4. All examination documents are viewable on the examination website at [https://www.northwarks.gov.uk/info/20002/planning/1444/local\\_plan\\_examination](https://www.northwarks.gov.uk/info/20002/planning/1444/local_plan_examination). Please note the examination website has four sections which relate broadly chronologically to documentation produced at the various stages of plan-preparation. All examination documentation is therefore hosted on the 'Post Submission' webpage. Any representor who does not have access to the internet should contact the PO so that alternative arrangements can be made. If you have difficulties accessing the library, please also contact the PO.

**The examination process**

5. Paragraphs 38 to 43 of INSP1 outline the examination process and my role. Paragraphs 44 to 46 of INSP1 deal with potential modifications to the plan, which are further referred to in INSP2. Drawing from those documents, I would reiterate that my role is to consider whether the LP complies with relevant legal requirements and is sound within the terms of the NPPF.

6. As set out in INSP1, representations that an omission site should be included in the LP will not be heard. However where representors have suggested an alternative strategy or omission site, that is in effect challenging the appropriateness of the strategy in the LP or the suitability of sites. I will therefore consider such representations in that light. In the event that I were to come to the view that the LP is unsound in some respect, NWBC would be given the opportunity to advance a remedy.

### **Matters, issues and questions ('MIQs') for examination**

7. INSP5 sets out a draft of the MIQs for phase 1 of the examination which will deal with strategic matters (numbered 1 to 8). INSP4, the draft examination programme, does not set dates beyond the first week of hearings where strategic matters 1 to 4 will be considered. That is a precautionary approach to avoid abortive work in the event that I identify significant issues with the LP initially.
8. **Any comments from representors on the draft hearings programme or phase 1 MIQs should be sent to the PO by 1700 on 3 August 2018.**

### **Considering representations**

9. The views of representors, of which there are 460 in this instance [NWBC2, Q3], can be considered in three ways. You may rely on written representations already made in relation to the publication ('Regulation 19') version of the LP. As representors should have already set out their full cases, there should generally be little need for the production of further statements.
10. In that context I would reiterate that I will consider all representations before me, whether made in writing or verbally during hearings. There is no difference in weight accorded to any views on account of the means by which they reach me. My report will, however, focus on the matters on which the legal compliance and soundness of the LP turns rather than address individual representors.
11. Any representor may also submit a position statement relating to the MIQs [INSP5]. You may also wish to participate during the hearings, subject to being eligible to do so. Only those who have made representations seeking to change the LP are entitled to participate (in accordance with Section 20(6) of the Planning and Compulsory Purchase Act 2004 as amended).
12. **Any eligible representors wishing to attend phase 1 hearings [INSP5] on matters 1 to 4 scheduled for 25 to 28 September should inform the PO of their intention to do so by 1700 on 3 August 2018. Please indicate the matters and issues on which you wish to be heard.** That will enable the programme and MIQs to be refined and agendas to be drafted.

### **Position statements**

13. For those who choose to submit position statements, they are not a requirement, they should directly and succinctly address the MIQs. INSP5

contains some further guidance as to how position statements should be prepared given that strategic issues are detailed and somewhat inter-connected.

14. All position statements should relate solely to a single matter and rely essentially on what was presented in the associated earlier representation (unless reflecting on developments which have since occurred). If submitting a position statement on a certain matter you may wish to address only certain issues and questions that I have set out in INSP5.
15. Representors can of course submit multiple statements related to more than one matter. Each should explain which particular element of the LP is considered to be unsound and why, and explain how the plan can be made sound (preferably with reference to a precise suggested modification).
16. A written statement in response to all matters is required from the Council, which should include reference to the evidence base used to justify that element of the plan and demonstrate that it is sound or legally compliant. Reference should also be made to any modifications that NWBC consider necessary to make the plan sound, and to set out the Council's position on changes sought by others (where relevant).
17. Representors should attempt to reach agreement with NWBC on factual matters and evidence before hearings start, and I encourage the maintenance of dialogue between participants and the Council in advance of the hearings. Statements of common ground to clarify areas of dispute and areas of commonality are especially welcome.
18. Position statements should be as succinct as possible, with any technical evidence limited to appendices, and no longer than 3,000 words for each matter. That limit does not apply to the Council given they will need to respond to each issue and reference associated evidence. Excessively long, repetitious, or irrelevant statements may be returned.
19. In addition position statements should:
  - Include page and paragraph numbers,
  - clearly identify the number(s) of the issues and question(s) being to which comments relate,
  - when referring to documents in the library give the document reference and paragraph number,
  - state whether modifications would resolve their concerns and make the LP sound or legally compliant, and
  - Indicate whether any other changes are needed to make the LP sound or legally compliant.
20. Three unbound paper copies of each position statement should be sent to the PO at Programme Officer Solutions Ltd, 32 Devonshire Place, Prenton, Wirral CH43 1TU as well as submitted in electronic form. **Position statements in relation to phase 1 of the examination [INSP5], i.e. strategic matters 1 to 8, must be received by 1700 on 31 August**

**2018.** If not received by that time, reliance will be placed on original representations other than in exceptional circumstances.

21. Late submissions and additional papers are unlikely to be accepted. Particularly where such documentation is received close to or during hearings, there is the potential for delay to arise or to prejudice the ability of others to comment upon it. I will not accept any further representations or evidence after the hearing sessions have finished unless I request it.
22. Position 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 online may request copies from the PO.

### **The hearing sessions**

23. As set out in the draft programme, the hearing sessions will start on Tuesday 25 September at 0930 at Council House, South Street, Atherstone CV9 1DE. Every effort will be made to keep to the draft timetable, but late changes may be unavoidable. Where changes occur the PO will endeavour to inform participants of such. However it is the responsibility of participants to keep up to date with the progress of the examination.
24. Hearings sessions will take the form of an informal round table discussion which I shall lead. They will not involve the formal presentation of cases or cross-examination (unless specifically allowed by me for good reason). I would encourage all contributions to be as focussed as possible. Where several people/organisations wish to speak on the same issue, representors may wish to consider appointing a single spokesperson or persons. Please discuss this with the PO.
25. Morning sessions will start at 0930, and afternoon sessions at 1400. Lunch will be around 1300 and my aim is that sessions finish around 1700. There will be short mid-morning and mid-afternoon breaks. Please inform the PO at the soonest opportunity if you have any specific requirements in relation to attendance and participation.

### **Site visits**

26. In so far as necessary, I shall visit relevant sites before, during or after hearing sessions. I will undertake these visits unaccompanied by any parties to the examination, unless there is a specific need to enter private land.

### **My report**

27. After the final hearing session I will write a report setting out my conclusions, include recommendations on any actions and modifications that I consider necessary to make the plan sound. The examination remains open until my report is submitted to the Council.

28. I trust that this guidance is helpful. If you have any questions, please contact the PO.

*Thomas Bristow*

INSPECTOR

18 July 2018