

NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION

EXAMINATION UPDATE NOTE

Introduction

1. This update follows my earlier note related to initial examination hearings into certain strategic matters [INSP12] and sits alongside a revised examination programme [INSP4B]. It addresses aspects of the future progress of the examination, timetabling, and the opportunity to make further observations by way of position statements or by participating in hearings. It also deals with a handful of administrative matters and asks two questions of the Council.

Examination progress and timetabling

2. I have set out updated Matters, Issues, and Questions ('MIQs') which form the structure for the examination [INSP5A]. They now encompass site allocations and development management policies, examination matters 9 and 10 respectively (in respect of which there is inevitably some overlap with strategic matters such as housing and employment land provision). I have also set out provisional agendas for hearing sessions into strategic matters 5 to 8 scheduled for 26, 27 and 28 February [INSP14 to INSP17].¹
3. The revised programme now includes sessions to address work the Council are undertaking in response to INSP12, housekeeping, and Main Modifications ('MMs') as set out in NWBC20A. As the Council's work in that regard is ongoing, those sessions are referred to as 'administrative', with indicative details of issues likely to be discussed set out in INSP4B. If necessary I will produce agendas in advance of those sessions.

Opportunity to make further observations

4. Any observations regarding this note, or the documents referenced above, should be made at the soonest opportunity to the Programme Officer, **and by 1700 on 21 February 2019 at the latest**. Anyone wishing to participate in, or to attend, hearing sessions in respect of matters 9 or 10, or administrative sessions, should inform the Programme Officer by that date also (even if that is contingent on the content of agendas for the latter sessions).
5. As set out in INSP3, statutorily only those who have made representations indicating that the Local Plan should be amended are entitled to participate in hearings. However in the interests of fairness, and of efficiency in addressing potential concerns regarding allocations, those with interests in or those promoting sites proposed for allocation via the Local Plan are invited to attend the relevant hearing session in respect of matter 9, site allocations, and to

¹ With reference to the position statements on the examination website, https://www.northwarks.gov.uk/info/20002/planning/1444/local_plan_examination, and to returns from individuals wishing to participate in response to notification of those sessions [PO3].

participate in discussion as necessary. The Programme Officer will also write out separately regarding position statements and hearings.

6. I will ensure appropriate opportunity for comment on all examination proceedings, including documentation and circumstances which have arisen during it. That may be through hearings, or via written submissions, and is something that I will keep under review. In doing so I will take account of the Council's views on how best to address the further work they are undertaking as set out in NWBC22 (as previously asked in INSP12, paragraph 14).
7. The guidance in INSP3 regarding position statements still stands. They should be succinct, focussed on MIQs, and should not repeat what is already before me. There is no difference in weight accorded to representations dependent on how they are made, and representors may rely on earlier submissions. I am not inviting position statements on administrative sessions.
8. **Those wishing to submit position statements in respect of matters 9 and 10 in line with the guidance in INSP3, should send them to the Programme Officer by 1700 on 8 March 2019.** That will allow me to refine agendas, if they are necessary, in advance of hearing sessions for those matters scheduled for 2, 3 and 4 April 2019 and 9, 10 and 11 April 2019 respectively.
9. Given the significant number of site allocations and development management policies it is not necessary for the Council to prepare a position statement responding to each issue and question I have set out in respect of matters 9 or 10, unless they so wish (the Council's position may be presented verbally during hearing sessions). The Council should, however, prepare position statements related to all the issues and questions set out in the 'overarching' hearing sessions scheduled for examination matters 9 and 10.

Main Modifications ('MMs')

10. Based on correspondence with the Council on the examination website, discussions during hearings to date, and reflecting on all the representations and evidence before me, I have updated the schedule of MMs [NWBC20A]. I have cross referenced MMs as necessary in MIQs and agendas. At this stage those MMs are indicative. They are offered without prejudice to the outcome of the examination or to my conclusions in respect of certain matters or policies. They are intended to be discussed.
11. The schedule of MMs should remain separate to any minor modifications proposed. Minor modifications, or additional modifications, do not relate to soundness (for example grammatical errors). It may be logical, ultimately and if that stage is reached, to consult on MMs alongside minor modifications, albeit that is a procedural matter for the Council. However it would be helpful for clarity were the Council able to incorporate into an edited or track-changed version of the Local Plan [CD1/1] all proposed changes to it.

Q1. Can the Council confirm if that would be possible?

Additional examination documentation

12. Representors are advised to consult the examination website regularly; a significant number of additional documents are now available that were not initially. That documentation includes a method statement for Sustainability Appraisal work following my direction for additional work [AD39], which appears a reasonable basis for proceeding in that regard. I would reiterate, as set out in INSP12, that approach must be undertaken without a predetermined outcome in mind,² and consultation on that work will be required at some point.

Q2. The Council should, in undertaking further SA work, and with reference to INSP12 paragraph 14, set out when in their view consultation would best be accommodated in the course of the examination.

13. As set out in NWBC22 the Council are also producing a note related to Gypsy and Traveller needs and provision and undertaking further work regarding representations by the Environment Agency and Historic England. Those documents, when available, will inform discussion in respect of matters 6, 9 and 10 in particular. I have scheduled a session on Gypsy and Traveller evidence [AD40] and Local Plan policies LP6 and LP10, in so far as they are relevant to travellers, for 28 February [INSP4B].

National Planning Policy Framework 2018

14. It remains the case, as set out in INSP6, that the 2012 version of the NPPF ('NPPF2012') remains the policy basis against which the soundness of the Local Plan is to be assessed. Nevertheless in the latest version of MIQs and MMs I have made occasional reference to the current iteration of the Framework published on 24 July 2018 ('NPPF2018'). That is particularly the case in respect of matter 10, development management policies, as the phrasing must be robust for the future for effectiveness. The NPPF2018 will be the subject of discussion during hearing sessions as appropriate.

15. As with previous correspondence, I ask that the Council acknowledge receipt of this note swiftly and provide an indication of when substantive responses to the questions above will be returned.

Thomas Bristow

INSPECTOR

8 February 2019

² With reference to *Cogent Land LLP v Rochford District Council & Anor* [2012] EWHC 2542, as is referenced in case law set out in the appendix to INSP11.