

Warwick District Local Plan Examination

Inspector's Guidance Notes

1.0 Introductions

- 1.1 I am Kevin Ward BA (Hons) MRTPI, the Inspector appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the Warwick District Local Plan. I shall refer to the document as "the Local Plan" during the examination.
- 1.2 Ian Kemp is the Programme Officer for the examination, working under my direction independently from the Council. He is responsible for organising the administration of the examination, maintaining the document library, ensuring that all documents received are distributed, and acting as the channel of communication between myself, the Council and those taking part in the examination. He is the first point of contact for those with queries about the process.

The Programme Officer's contact details are:

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2.0 The scope and purpose of the examination

- 2.1 The purpose of the examination of the Local Plan is to determine whether it satisfies legal requirements under the 2004 Act and associated regulations, whether the Council has complied with the duty to co-operate and whether the Local Plan is sound. To be sound the Local Plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted what it considers to be a sound plan.
- 2.2 The Council published and consulted upon a number of focussed changes to the Publication Draft Local Plan prior to submission (document reference LP13). These have been subject to sustainability appraisal and I am satisfied that they do not materially alter the strategy of the Local Plan. I consider that these are part of the submitted Local Plan. The starting point for the examination is therefore the submitted Local Plan (which is the same as the Publication Draft Local Plan dated April 2014 incorporating the schedule of focussed changes set out in Document LP13). The Council has also set out a number of other suggested changes. Some of these would materially alter the policies or their implementation whilst others are genuinely minor and address typographical

errors or provide factual updates or corrections. These have not been subject to consultation. The Council, and other interested parties, will have the opportunity to put forward suggested changes to the submitted Local Plan during the examination in order to address matters of soundness or legal compliance. I will take these suggestions into account.

- 2.3 The Council would be able to make “additional modifications” to the Local Plan prior to adoption, provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Council, I will not be considering such additional modifications during the examination and they will not form part of my report.
- 2.4 I will consider all of the representations made on the Publication Draft Local Plan and the Focussed Changes insofar as they relate to legal requirements or matters of soundness. I am not required to report on every point made however. In some cases, the issues I have identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the Publication Draft Local Plan (an objection) has a right to make their case in person at the hearing sessions, if they have indicated their wish to do so. Those who made representations objecting to the focussed changes will also be able to speak at the relevant hearing sessions. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.
- 2.5 Those who have made representations supporting the Local Plan do not have a right to participate at the hearing sessions. The Council has submitted the Local Plan for examination and I expect it to be able to set out and justify its own position. I do not consider it necessary for those who support the Local Plan to participate in hearing sessions.
- 2.6 The examination will close when my report is submitted to the Council. The potential outcomes of the examination are that:
- a) I consider that the Council has complied with the duty to co-operate, the Local Plan satisfies legal requirements and it is sound – I would recommend that the Local Plan is adopted and give reasons for this.
 - b) I consider that the Council has not complied with one or more of the above requirements – I would recommend that the Local Plan is not adopted and give reasons for this.
 - c) I consider that the Council has complied with the duty to co-operate but that the Local Plan does not satisfy legal requirements and/or is not sound and the Council has asked me to recommend modifications to address matters of legal compliance and/or soundness – I would make such recommendations.
- 2.7 It is important to stress that I would not be able to rectify non-compliance with the duty to co-operate. In addition I can only make recommendations to modify the Local Plan to address matters of legal compliance and/or soundness if asked to do so by the Council.

2.8 Any modifications that I recommend would be limited to those required to address matters of legal compliance or soundness. These would be known as "main modifications". The main modifications would be subject to public consultation and sustainability appraisal prior to my report being finalised.

3.0 The hearing sessions

3.1 As set out above, one of the purposes of the examination is to determine whether the Council has complied with the duty to co-operate under Section 33A of the 2004 Act (as amended). This requires the Council to have engaged constructively, actively and on an ongoing basis with other local authorities and prescribed bodies in the preparation of the Local Plan. Whilst I have not reached any conclusions, I have identified significant issues in relation to the duty to co-operate, particularly in terms of overall housing provision.

3.2 I have also identified significant soundness issues in terms of overall housing provision and the supply and delivery of housing land.

3.3 The initial Matters and Issues Paper circulated with these Guidance Notes provides further details and sets out a number of specific questions that will need to be addressed.

3.4 My findings in respect of these initial matters could have very serious implications for the examination. In particular, as set out above, I would be unable to rectify non-compliance with the duty to co-operate.

3.5 In the light of this I have programmed initial hearing sessions between **Wednesday 6th and Tuesday 12th May 2015** to deal with these matters. I will then take a view as to whether it is appropriate to continue with the examination, and if so, the most appropriate way forward.

3.6 The initial hearing sessions will only deal with the duty to co-operate and soundness issues in terms of overall housing provision and the supply and delivery of housing land. They will not deal for example with the distribution of development across the District, the approach to the Green Belt or the specific proposals for site allocations.

3.7 These are amongst a number of other issues which I have identified in terms of the potential soundness of the Local Plan, which will be dealt with, if appropriate, in due course. Depending on the outcome of the initial hearing sessions, further matters and issues will be set out and arrangements will be made for additional hearing sessions.

3.8 The hearing sessions will allow me to explore the Matters and Issues further with the Council and other participants, taking into account relevant representations made and any additional statements which I request. I will lead a relaxed and informal discussion around a table bringing in the Council and other participants as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. The hearing sessions will be open to the public to observe but only those invited participants will be able to speak. An agenda for each hearing session will be circulated to participants in advance.

- 3.9 The initial hearing sessions for the examination will commence at **9.30am on Wednesday 6th May 2015**. They will be held in:

**The Council Chamber
Leamington Spa Town Hall
The Parade
Leamington Spa
Warwickshire
CV32 4AT**

- 3.10 The other hearing sessions will also start at 9.30am. There will be a break for lunch and short breaks mid-morning and afternoon. The sessions are expected to finish by 5.00pm although they may continue later if necessary. The session on Friday 8th May will finish no later than 2.30pm. A reserve session has been arranged for the afternoon of Monday 11th May in case sessions overrun. A timetable for the initial hearing sessions has been produced and circulated with these Guidance Notes.
- 3.11 The participants for these initial hearing sessions will be those who made relevant representations in terms of the duty to co-operate or soundness in terms of overall housing provision and the supply and delivery of housing land and have confirmed they wish to speak at the hearings. Those wishing to speak should confirm this with the Programme Officer by **5.00pm on Friday 27th March 2015** stating which session(s) they wish to speak at. The other local authorities within the Coventry and Warwickshire Housing Market Area will be invited to the sessions on the duty to co-operate and soundness in terms of overall housing provision.
- 3.12 Details of public transport services and car parking facilities can be obtained on request from the Programme Officer. The hearing venue is fully accessible.
- 3.13 Given the particular circumstances in this case, I do not consider it necessary to hold a Pre-Hearing Meeting. Any queries regarding the examination process can be addressed through the Programme Officer.

4.0 The examination library and the availability of documents

- 4.1 A library containing paper copies of all documents associated with the examination is being maintained, this is available to view subject to prior appointment. The library will be updated to include any additional documents produced during the course of the examination. An up to date list of documents with their reference numbers is available from the Programme Officer. All documents are available via the Council's website.

http://www.warwickdc.gov.uk/info/20410/new_local_plan/973/local_plan_examination/2

5.0 The submission of statements and further material

- 5.1 The Council should produce an individual statement for each of the initial matters identified; addressing all of the issues and specific questions set out in

the initial Matters and Issues Paper. They should include specific references to supporting evidence where appropriate.

- 5.2 Other participants may, if they wish, submit statements addressing the issues and questions set out for the sessions they are attending. There is no need to repeat points already made in representations however and participants may wish to rely on these earlier representations. Others who have made relevant representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Although again, there is no need to repeat points already made.
- 5.3 Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Local Plan, other examination documents or those in the public domain such as the National Planning Policy Framework (NPPF), clear cross referencing will suffice.
- 5.4 The statements should be sent to the Programme Officer. For both the Council and other participants, the deadline for receipt of statements for the initial sessions on Matters 1, 2 and 3 is **5.00pm on Friday 17th April 2015**. This is a strict deadline which must be adhered to in order for the hearings to proceed as planned. Three paper copies of the statements should be sent along with an electronic version, if possible. Paper copies will be accepted up to 12.00 noon on **Monday 20th April 2015**, provided that electronic versions have already been submitted by the main deadline. It should be made clear who is submitting the statement (quoting the respondent ref. no.) and which matter it relates to. Statements should be no more than 3,000 words long, in A4 format. Separate statements should be submitted for each matter.
- 5.5 Other than the statements referred to above, no further information/documentation should be submitted to the examination unless specifically asked for. Additional statements or information should not be presented at the hearing sessions.

6.0 Site visits

- 6.1 I will familiarise myself with the area and visit key locations during the examination. It is envisaged that my visits will be on an unaccompanied basis. If there is a need to make a visit accompanied by the Council and other interested parties, arrangements will be made via the Programme Officer.

7.0 Potential outcome of the initial hearing sessions

- 7.1 Following the initial hearing sessions, I will consider whether it is appropriate to continue with the examination, and if so, in what form. I will reach a clear view in relation to the duty to co-operate and if I conclude that the duty has not been complied with I will advise the Council to withdraw the Local Plan, given that the only alternative would be for me to produce a report recommending non-adoption. If I conclude that the duty to co-operate has been met, it may be possible to proceed to additional hearing sessions dealing with other issues of soundness. Alternatively, it may be that a suspension of the examination is required to enable further work to be undertaken/completed to address issues of

soundness. It could be the case however, that a suspension may not be appropriate due to the time needed to undertake/complete necessary work or the extent of potential revisions to the submitted Local Plan. Under such circumstances I would again advise the Council to withdraw the Local Plan.

Summary/ key points

- Initial hearing sessions have been arranged dealing with the duty to co-operate and soundness in terms of overall housing provision and the supply and delivery of housing land
- The initial Matters and Issues Paper sets out the key questions which I will be considering
- The initial hearing sessions will start on **Wednesday 6th May 2015 at 9.30am**
- A timetable for the initial hearing sessions has been published
- Participants at the hearings will be confirmed in due course
- Those wishing to participate (speak) at the hearings should confirm this with the Programme Officer by **5.00pm on Friday 27th March 2015**
- Statements for the hearing sessions should be based on the initial Matters and Issues Paper and must be submitted to the Programme Officer by **5.00pm on Friday 17th April 2015**
- All documentation relevant to the examination is available on the Council's website

http://www.warwickdc.gov.uk/info/20410/new_local_plan/973/local_plan_examination

- Any queries should be directed to the Programme Officer – Ian Kemp

Kevin Ward

INSPECTOR