
Warwick District Council

**Examination of the
Warwick District Council
Net Zero Carbon
Development Plan Document**

**Guidance Note
for Participants
in the Examination**

23 January 2023

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Introduction

1. I am Andrew McCormack, the Planning Inspector appointed by the Secretary of State to independently examine the soundness of the Warwick District Council: Net Zero Carbon Development Plan Document ('the DPD'). I have prepared this Guidance Note and its purpose is to explain the procedural and administrative matters relating to the examination.
2. The Programme Officer (PO) for the examination is Mr Ian Kemp. His contact details are given on the cover of this note. He is acting as an independent officer for the examination, under my direction. The PO will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting with procedural and administrative matters. He will also advise on any programming and procedural queries and any matters which the Council or participants wish to raise with me should be addressed to Mr Kemp.

Purpose and scope of the examination

3. My role is to consider whether the Plan meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework 2021 (the NPPF).

To be sound the Plan must be:

Positively prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified: the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;

Effective: deliverable over the plan period and based on effective joint-working on cross-boundary strategic priorities; and

Consistent with national policy: able to achieve sustainable development in accordance with the NPPFs policies.

4. People seeking changes to the DPD have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to soundness and legal requirements. However, my report will not refer to representations individually.
5. At this advanced stage of the process, any further changes to the DPD should be limited. The Council cannot itself now make any 'main modifications'. Any changes needed to remedy soundness problems can only come about through a recommendation in my report.

Matters, issues and questions for the examination

6. I have set out the matters, issues and questions which will form the focus for discussions during the examination and the hearings. These are shown on the Schedule of Matters,

Issues and Questions ('the MIQs') accompanying this Guidance Note.

7. The Schedule of MIQs has been circulated to representors with this note and is also available on the examination website. I have also issued a draft programme for the hearings alongside that Schedule. Any comments from representors on either the draft hearings programme or the scope of the matters I have set out should be sent to the PO by **4pm on Monday 30 January**.

Representations and written statements

8. The views of representors can be considered in three ways:
 - a) you can rely on the written representation you have already made;
 - b) you can, if you wish, also submit a written statement responding to the MIQs I have issued alongside this note; or
 - c) you can, if you wish to and are entitled to do so, participate in the hearing sessions.
 9. Everyone who has made a representation about the DPD during the formal consultation period on the Publication version of the DPD (Regulation 19 stage) between 27 April and 8 June 2022 can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. **However, there is no need to prepare a further statement if all the points are already covered in the original representation.**
 10. For those eligible who do choose to provide statements, they should directly address the matters, questions and topic areas I have identified in the Schedule of MIQs.
 11. All statements from representors should:
 - a) relate solely to the matters raised in their earlier representation;
 - b) explain which particular part of the DPD is unsound;
 - c) explain why it is unsound, having regard to the NPPF;
 - d) explain how the DPD can be made sound; and
 - e) explain the precise change/wording that is being sought.
 12. From the Council, written statements in response to all matters are required. These statements should include full and precise references to the evidence base to justify the policy and to demonstrate that the DPD is sound. They should also include references to any main modifications the Council considers necessary to make the DPD sound and set out the Council's position on changes sought by other parties, where relevant.
 13. All written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the DPD, national planning policy or other core documents. References will suffice. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and concisely since the hearings are not the place for new points or evidence to be presented for the first time.
 14. Please note that it is not my role to 'improve' the DPD. I can only recommend main modifications to rectify issues of soundness or legal compliance.
 15. Representors should attempt to reach agreement on factual matters and evidence before the hearings start and I strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground can be particularly helpful and are especially welcomed.
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16. Each written statement should be sent to the PO no later than **4pm on Friday 17 February**. If material is not received by this deadline, the PO will assume that written statements are not being provided. Where possible, an electronic copy should be provided. **Statements should be no longer than 3,000 words for each matter as I have set out in the MIQs.** Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices and should be clearly related to the case being made. Statements should be set out in A4 portrait paper format and any hard copies stapled. Plans or diagrams should fold down to A4 size. However, solely electronic versions of statements which are in a legible Word or PDF document format, are acceptable.
17. Participants should adhere to the specified timetable for submitting written statements. Late submissions and additional papers are unlikely to be accepted either after the published deadline or on the day of the relevant hearing session, since this can cause disruption, result in unfairness and may lead to hearings being adjourned and unnecessary delay.
18. Further representations or evidence after the hearing sessions have finished will not be accepted unless I have specifically requested it. Therefore, any late or unsolicited material is likely to be returned.

Site visits

19. Where necessary, I shall visit any relevant sites and areas referred to in the representations and statements before, during or after the hearings. These visits will generally take place unaccompanied by any other parties unless access to private land needs to be arranged. Further discussions on site visits and arrangements for them will take place during the hearing sessions, if required.

Participation at hearing sessions

20. Only those who have made representations and are seeking to change the submitted DPD have a right to appear before, and be heard by, the Inspector.¹ However, it is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at a hearing session is only necessary if, in light of the MIQs, you have specific points you wish to contribute.
21. People who are able to participate in the forthcoming hearing sessions are those who made representations seeking to change the DPD under Regulation 20 (i.e. when the Council invited representations just before submitting the Plan for examination).
22. If you have a right to be heard, and you wish to exercise that right, you should contact the PO by **4pm on Monday 6 February** indicating the appropriate Matter(s) and relevant hearing session(s) you wish to attend. Please note the initial draft Hearing Programme which has been published alongside this Guidance Note and the Schedule of MIQs. You need to do this regardless of what you may have indicated previously. Should you wish to participate in a hearing session and have any particular requirements to enable you to do so effectively (e.g. visual or audio enhancements), you should also indicate this to the PO and are requested to do so as soon as possible so that all reasonable arrangements

¹ S20(6) of the Planning and Compulsory Purchase Act 2004

can be made where possible.

23. Please note that if you do not contact the PO by the above date it will be assumed that you do not wish to appear and be heard, and you will not be listed as a participant. Again, you should only request to be heard at a hearing session if you have made a relevant representation seeking a change to the DPD. However, the hearing sessions will be open for anyone to observe.

The hearing sessions

24. The hearing sessions will start on **Tuesday 7 March 2023 at 9.30am**. The hearings will be held in the **Council Chamber, Leamington Town Hall, The Parade, Leamington Spa, Warwickshire CV32 4AT**.
25. Every effort will be made to keep to the draft hearing programme but changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion into subsequent sessions. The PO will endeavour to inform the participants of any late changes to the programme. **However, it is the responsibility of all participants to keep themselves up to date with the arrangements and programme. Participants also need to be ready to attend on the 'reserve' time indicated on the programme – this will be used if necessary to complete any unfinished sessions.**
26. The hearings will take the form of a round table discussion which I shall lead. They will not involve formal presentation of cases by participants or cross-examination. There will be a lot to cover and so all contributions should be focussed.
27. Sessions will normally start at 9.30am and 1.30pm with a break for lunch at about 12.30pm and a finish no later than 4.30pm. A short comfort break will be taken mid-morning and mid-afternoon.
28. Again, please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

Next steps

29. In consultation with the Council, I will continue to explore the best means of taking the examination forward following receipt of the written statements and confirmation from those who wish to exercise their right to be heard at the hearings. The examination website will continue to be updated with the latest developments in this regard including formal notification of the hearing sessions in due course.
30. The PO will maintain the examination document library online on the examination website. This library contains all the core documents, copies of the evidence base, associated documents and representations. The library will also include further written statements and related correspondence as it is received. The PO will also maintain a record of all documents submitted.

The report

31. After the hearings have closed, I will write a report setting out my conclusions about the soundness of the DPD including, if appropriate, recommendations on any actions or modifications I consider necessary to make it sound.

32. The examination will remain open until my report has been submitted to the Council. However, as mentioned above, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.
33. I trust that you find this Guidance Note helpful. If you have any further questions, please contact the Programme Officer, Ian Kemp, who will be happy to assist if at all possible.

Andrew McCormack

Inspector

23 January 2023

Reminder of key dates

Deadline for comments on the Schedule of Matters, Issues and Questions and the draft hearings programme.	4pm, Monday 30 January 2023
Deadline to confirm with the Programme Officer whether you wish to exercise the right to be heard if you made a relevant representation seeking a change to the DPD, indicating the appropriate Matter.	4pm, Monday 6 February 2023
Deadline for submission of all Hearing Statements (including from the Council)	4pm, Friday 17 February 2023
Anticipated start of hearing sessions	9.30am, Tuesday 7 March 2023