

Examination of the Central Lincolnshire Local Plan Review

Examination Guidance Note

**Matthew Birkinshaw BA(Hons) Msc MRTPI and
Clive Coyne BA (Hons) Dip TP MRTPI**

Inspectors appointed by the Secretary of State

Date: 3 October 2022

Introduction

- 1) This Guidance Note provides further information on the procedural and administrative arrangements for the examination of the Central Lincolnshire Local Plan Review. The Local Plan Review was submitted for examination on 8 July 2022 by the Central Lincolnshire Joint Strategic Planning Committee (thereafter referred to as 'the Committee'). The plan area encompasses the City of Lincoln, North Kesteven District and West Lindsey District.
- 2) All participants should familiarise themselves with the contents of this Guidance, in particular those who wish to submit hearing statements and/or take part in the hearing sessions.
- 3) Further information about the preparation and examination of Local Plans can be found in the Planning Inspectorate's Procedure Guide for Local Plan Examinations <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>

The Role of the Planning Inspectors

- 4) The Local Plan is being examined by **Matthew Birkinshaw** BA (Hons) Msc MRTPI and **Clive Coyne** BA (Hons) Dip TP MRTPI.
- 5) The Inspectors have been appointed by the Secretary of State. Their role is to examine whether or not the Local Plan has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, and, whether or not it meets the tests of 'soundness' set out in the National Planning Policy Framework (the 'Framework').
- 6) At all times the Inspectors will aim to work with the Committee and everyone else involved in the examination in a positive and pragmatic manner.

The Role of the Programme Officer

- 7) The appointed Programme Officer is Hannah Charlish. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing the examination materials, maintaining the examination library and organising the hearing sessions. Communication between the Inspectors and representors is also handled by the Programme Officer, who can be contacted at:

Programme Officer
Central Lincolnshire Local Plan
c/o North Kesteven District Council
Council Offices
Kesteven Street
Sleaford
NG34 7EF

Telephone: 07458 046872
Email: programme.officer@central-lincs.org.uk

- 8) The Programme Officer is also responsible for making sure that the information regarding the examination and all relevant documents are made available on the examination website.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review-examination/>

- 9) Should any representors not have access to the internet, please contact the Programme Officer so that alternative arrangements can be made.

The Examination

- 10) The Framework requires that Local Plans are prepared in accordance with the Duty to Cooperate, meet legal and procedural requirements and are 'sound'. As part of this process, the Inspectors will need to determine whether or not:
- The Committee has complied with the Duty to Cooperate under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).
 - The Local Plan has been subject to an adequate Sustainability Appraisal.
 - The Local Plan has been prepared in accordance with the Local Development Scheme and Statement of Community Involvement.
 - The requirements of the Conservation of Habitats and Species Regulations 2017 have been complied with, having regard to relevant national policy and guidance, and if an Appropriate Assessment has been carried out where necessary.
 - Relevant publicity and procedural requirements have been met.
- 11) In terms of 'soundness', the Framework states that Plans are 'sound' if they are:
- **Positively prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
 - **Justified:** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
 - **Effective:** deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
 - **Consistent with national policy:** enabling the delivery of sustainable development in accordance with the policies in the Framework.

Changes to the Plan

- 12) The starting point is that the Committee should have submitted a plan which it considers is ready for examination¹. At this stage, there are only two means by which changes can be made to the Local Plan. They are:
- '**Main Modifications**' recommended by the Inspectors; and
 - '**Additional Modifications**' made by the Committee upon plan adoption.
- 13) Main Modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Only the appointed Inspectors can recommend Main Modifications if they are necessary to resolve problems that would otherwise make the Plan unsound, or not legally compliant². Any potential Main Modifications must be subject to public consultation and in some cases, further sustainability appraisal may be required.

¹ Section 20(2) of the Planning and Compulsory Purchase Act 2004

² Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

- 14) Additional Modifications are changes that do not materially affect the Plan (such as typographical errors, factual changes etc.) They are made by the Committee upon adoption of the Plan and are sometimes referred to as 'Minor Modifications'. The Inspectors are not accountable for such changes and they do not form part of the examination³.
- 15) Examination Document EX011 includes a list of Suggested Main Modifications which the Committee considers are necessary to make the Plan sound. These changes will be discussed, where appropriate, at the relevant hearing session.

Hearing Sessions

- 16) As part of the examination of the Plan the Inspectors will hold hearing sessions to discuss the main issues and any changes which may be necessary.
- 17) Only those people seeking to change the Plan, and have duly made representations, have a right to participate in the hearing sessions⁴. It is also important to stress that written representations carry the same weight as those made orally at a hearing session. Thus, **participation at the hearings is only necessary if, in light of the matters, issues and questions raised, you have specific points that you wish to contribute orally at the hearing.** The sessions will be open for anyone to observe. Please contact the Programme Officer if you wish to observe sessions in person.

Hearing Session Format and Location

- 18) The hearing sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspector(s). Hearings are designed to allow the Inspectors to explore the main issues. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
- 19) The majority of hearing sessions will take place in The Aspen Suite, Double Tree by Hilton Hotel, Brayford Wharf North, Lincoln, LN1 1YW. Other sessions will take place virtually using Microsoft Teams.
- 20) The time, venue and format of each session is specified in the *Examination Hearing Programme*. Should participants have any queries or need to make alternative arrangements in order to attend a relevant session(s), they should contact the Programme Officer in the first instance. Specific guidance relating to the virtual hearing sessions, including links for joining the sessions will be published in due course once the programme has been finalised.
- 21) Participants should be aware that the format of the hearing sessions will be subject to the latest legislation and Government guidance on Coronavirus ('COVID-19') available at the time. If that legislation and/or guidance changes, procedures may need to be changed.

Attending a Hearing Session

- 22) The *Examination Hearing Programme* sets out which topics will be discussed on each day. In order to plan appropriately for each session, it is important that participants confirm with the Programme Officer if they wish to attend in writing by **Tuesday 18 October 2022**. It may not be possible to accommodate participants making a request to attend after this date.

³ See the Procedure Guide for Local Plan Examinations

⁴ S20(6) of the PCPA 2004

- 23) The *Matters, Issues and Questions* document will form the basis of the discussions at the hearing sessions and has been published alongside this *Guidance Note*. Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they have been allocated to the correct session, contacting the Programme Officer if unsure. **You should only request to attend a session if you have made a representation seeking a change to the Plan relating to that topic.**
- 24) If there is a Matter that has been raised by the Inspectors, and one where several individuals (such as a group of local residents) wish to speak and make the same point, representors should consider whether they wish to nominate a single person to speak on their behalf. If participants are unsure, please contact the Programme Officer who will be able to help.
- 25) A final version of the *Examination Hearing Programme* will be published on the examination website before the start of each week of hearing sessions and confirm which representors are scheduled to attend each session. It will be for participants to check the progress of the hearings and to ensure that they are present at the right time.

Hearing Statements

- 26) Ahead of the hearings, the Committee should produce Hearing Statements which respond directly to all the points raised in the *Matters, Issues and Questions*.
- 27) Any representors who have made comments seeking a change to the Plan and who are invited to the hearing sessions may also submit Hearing Statements. This, however, is optional and is not a requirement of the hearings.
- 28) Statements should be concise and focused, and appendices should only be included where directly relevant and necessary. There is no need to re-submit previous consultation responses as part of Hearing Statements.
- 29) Statements should only answer the specific Questions which are directly relevant to the original representation and should clearly identify the relevant topic to which they relate. Statements should be provided for each Matter separately.
- 30) All hearing statements must be submitted on time and received electronically by **Friday 4 November 2022.**
- 31) Representors not participating at the hearing sessions may also submit an additional Written Statement as required. However, this is not an opportunity to introduce further arguments, and the format and length of Written Statements is the same as for Hearing Statements. No other written evidence can be submitted unless specifically requested by the Inspectors.

Statements of Common Ground

- 32) Statements of Common Ground between participants are encouraged where they assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the issues in dispute.
- 33) Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground, please make the Programme Officer aware.

Site visits

34) Prior to, and during the course of the examination the Inspectors will make site visits to the Plan area where necessary. Site visits will be carried out on an unaccompanied basis unless it is necessary to enter private land. In such circumstances, the Programme Officer will make the necessary arrangements with the relevant parties.

Consideration of Alternative Sites not in the Submission Local Plan

- 35) Part of the Inspectors' task is to examine the soundness of the sites allocated for development in the submitted Plan. Those who have submitted representations to the effect that a site allocation or designation policy is unsound will be able to put their views forward at a relevant hearing session, if they have made a request to do so. The Committee will have the opportunity to respond.
- 36) Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to as 'omission sites'. Representors should note that it is **not** part of the Inspectors role to examine the soundness of omission sites, and, subject to the legal right to be heard (see paragraphs above), such sites will not normally be discussed at the hearings.
- 37) Should the situation arise where additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), the Inspectors will look to the Committee in the first instance to decide which alternatives should be brought forward for examination.

Examination Programme

- 38) Based on the above, the examination timetable and relevant dates are as follows:
- **Tuesday 4 October 2022** – notification of the time, date and location of all hearing sessions.
 - **Tuesday 18 October 2022** – deadline for confirming with the Programme Officer if you wish to attend the hearings.
 - **Friday 4 November 2022** – Hearing Statement deadline for all sessions.

Closing the Examination and the Inspectors Report

- 39) Following the hearing sessions, the relevant findings will be set out in the Inspectors' Report, or in some cases, through Interim Findings. The Report will be sent to the Committee at the end of the examination and will set out the conclusions, and where necessary, any Main Modifications to make the Plan sound and/or legally compliant.
- 40) The examination will remain open until the Report has been submitted to the Committee. During this time no further written submissions or evidence will be taken into account unless specifically requested.

Matthew Birkinshaw and Clive Coyne

Inspectors