

## **Nuneaton & Bedworth Borough Plan Review**

**Inspectors: Mike Worden and Beverley Wilders**

**Programme Officer: Helen Wilson**

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### **EXAMINATION GUIDANCE NOTE**

1. This note provides guidance to participants on the procedural and administrative arrangements for the hearing sessions as part of the examination of the Nuneaton & Bedworth Borough Plan Review. Examination documents can be found in the Examination Document Library on the Programme Officer's website: [Nuneaton and Bedworth Borough Local Plan Review | Helen Wilson Consultancy Limited \(hwa.uk.com\)](#)

2. Where we have referred to examination documents in this note, we have referenced the document number in square brackets [ ].

#### **Dates of the hearing sessions**

3. The examination hearing sessions will take place at Nuneaton Town Hall, Coton Road, Nuneaton CV11 5AA.
4. The examination hearing sessions will be held in three blocks and Block 1 will commence at 10am on Tuesday 9 July 2024 and is anticipated to be completed by Friday 12 July.
5. Block 2 will commence at 10am on Tuesday 24 September 2024 and is anticipated to be completed by Thursday 26 September. Block 3 will commence at 10am on Tuesday 8 October 2024 and is anticipated to be completed by Wednesday 9 October. Reserve days have been added at the end of each block but will only be used if necessary and at the Inspectors' discretion.
6. Two documents are available with this note:
  - A draft timetable for the examination hearing sessions which set out the matters to be discussed on each day. The programme may be subject to change as we proceed.
  - Inspectors' Matters, Issues and Questions (MIQs) for Blocks 1 and 2.

7. Helen Wilson is the Programme Officer and is responsible for the administration of the examination. She is working under our direction, is impartial and is independent of the Council. The role of the Programme Officer is to provide an effective channel of communication between all parties and ourselves, liaise with parties to ensure the smooth running of the examination, to ensure that all examination documents received are appropriately managed and added to the examination Library on the examination webpages and to act as the main point of contact for all procedural and administrative matters.
8. All programming queries, practical and procedural points should be addressed to the Programme Officer. This includes any access or special requirements related to attendance.
9. Copies of all examination documents are available to view on the examination website. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be made for viewing documents. There is publicly accessible unsecured WiFi in committee rooms where the hearings will be held.

### **Scope of the Examination and the Inspector's role**

#### *Inspectors' role*

10. Our role is to assess whether the Plan has been prepared in accordance with legal and procedural requirements and assess whether it is sound. The purpose of the hearings is to focus on the main issues for discussion, to enable us to obtain the information we need so that we can draw the necessary conclusion on the Plan.
11. The National Planning Policy Framework (the Framework) states that in order to be sound, a Local Plan must be:
  - **be positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
  - **justified** – an appropriate strategy taking into account the reasonable alternatives, and based on proportionate evidence;
  - **effective** – deliverable over its period and based on effective joint working as evidenced by the statement of common ground and;
  - **consistent with national policy** – enabling the delivery of sustainable development in accordance with the NPPFs policies and other statements of national planning policy where relevant.

12. It is not part of our role to make improvements to the Plan, provided that it is sound and legally compliant.

13. There are three possible outcomes to the examination:

- The submitted Plan is sound
- The submitted Plan is not sound but could be made sound by making changes (main modifications 'MMs'), if necessary following additional work; or,
- The submitted Plan is not sound and could not be made sound by any changes.

14. Following the close of the final hearing sessions we will prepare a report to the Council with our conclusions. The Council has formally requested that we recommend any main modification necessary to make the Plan sound.

#### *Omission Sites*

15. Our starting point for the examination is that the Council has submitted a Plan which it considers is sound and legally compliant. We will therefore be considering whether the policies and site allocations within the Plan comply with the requirements.

16. We will not be considering the merits of any alternative or omission sites. If during the examination there appears to be a need for additional development sites to be allocated, it will be a matter for us to raise this with the Council to decide what it would propose in order to meet such a need.

17. Those seeking changes need to demonstrate why the submitted Plan is not sound, rather than highlight an alternative or omission site.

#### **Changes to the Plan**

18. There are two ways in which changes can be made to the Plan:

- Main modifications ('MMs') are changes which alone, or in combination with others, would materially alter the Plan or policies and must be subject to consultation. We can only recommend main modifications if they are necessary to make the submitted Plan sound or legally compliant.
- Additional modifications (sometimes referred to as 'minor modifications', 'AMs')) are those changes which do not materially affect the policies in the Plan. The Council is accountable for these changes and they do not fall within the scope of the Examination.

#### **The hearing sessions**

19. The hearing sessions will normally run between 9:30 and 11:00, 11:30 and 13:00 and between 14:00 and 15:30 and 16:00 and 17:00, unless

otherwise stated during the hearing sessions. If any of the sessions are held remotely, additional breaks may be required during each day due to the need for participants to take some time away from the screen. On the first day of each block, on 9 July, 24 September and 8 October, the opening session will begin at 10am.

20. The hearing sessions will be in the form of structured round table discussions which we will lead. The MIQs for a given topic will form the agenda for a given day but we may supplement that with additional detail for some sessions.
21. There will be no formal presentation of evidence and no cross-examination. Barristers and solicitors if present, will be treated as part of the respective organisation or team. We will make a few brief introductory comments and then invite individuals to respond to specific questions. In most cases we will start with asking the Council some questions and then extend the discussion. We will have read all the relevant representations and statements beforehand. The hearings are not an opportunity to repeat a case already set out in written representations.
22. The discussion will focus on the issues in the programme and agendas with any additional points or supplementary questions we wish to ask arising from any further written statements.
23. The programme is in draft form and may be subject to change.
24. The Council will need to keep a list of actions arising from each day and liaise with the Programme Officer to ensure that it is accurate. In addition, the Council will need to keep a list of potential MMs and AMs which emerge during the examination. The Inspectors will seek updates or clarification on these lists at the start of, or end of hearing sessions.
25. Participants are advised to make themselves familiar with the Planning Inspectorate Customer Charter, the link to which is at the end of this guidance note. We will not tolerate any abusive language or behaviour being directed at us or the Programme Officer, or any abusive references made in hearing statements.

### **Representations on the Plan**

26. Only those who have made representations within the prescribed time periods and seek changes to the Plan have a right to be invited to and participate in, relevant hearing sessions. However, anyone is free to observe any session.
27. If you wish to participate at the hearings, and you have made relevant representations, please contact the Programme Officer as soon as possible and by Monday 3 June 2024 at the latest to confirm this. Please clarify which matters and issues are relevant to your representations and on

which questions you wish to speak. Any party who does not confirm their wish to appear on or before that date may not be included in the programme, so please respond promptly.

28. Where several people or organisations wish to speak on the same issue and/or wish to make the same point, you should consider appointing a single spokesperson or persons, as we will not be allowing points to be repeated during the hearing sessions. This will ensure that effective use is made of available time in the sessions. The Programme Officer will assist you with such arrangements.
29. A final version of the hearing programme will be published on the examination website around two weeks before the start of the hearings. It will be for individual participants to check progress on this, either on the website or with the Programme Officer, to ensure that you attend the right sessions and at the right time. If anybody is unsure about which session their representations relate to, please contact the Programme Officer.
30. We will give equal regard to views put at the hearing sessions and those in writing. Participating in a hearing session will only be useful and helpful to us if you can engage in a debate and focus on our MIQs.
31. Aside from representations adhering to the advice below we are likely to return unsolicited correspondence unread. The examination of any local plan is lengthy and complex. All relevant views and evidence will be considered at the appropriate opportunity, but we cannot respond individually to unsolicited correspondence in most instances.
32. We would encourage representors to attempt to reach agreement with the Council on factual matters and evidence before hearings start. We would also encourage dialogue between representors and the Council in advance of the hearings. Statements of common ground to clarify areas of dispute and areas of commonality are especially welcome.

### **Further written statements**

33. Our list of MIQs will form the basis for discussion at the hearing sessions. As participants should already have set out their full cases within their existing representations, there should ordinarily be no need to produce further written statements in response to the MIQs. Representors may therefore choose to rely upon their original response.
34. However, if participants do wish to produce further written hearing statements to supplement their original representations, these should be limited to the issues and questions set out in the MIQs and be relevant to their original representation. Statements must not repeat what is in

previous representations as these will be taken into account. Cross-reference to earlier representations may be made.

35. The examination documents are available on the website so participants should not attach extracts to statements. However, it would be useful where statements make reference to examination documents, that the relevant document and page numbers are stated.
36. To assist the conduct of the hearings, any additional statements produced by participants must accord with the following:
- Only respond to the specific questions in the MIQs which are relevant to the original representation
  - Respond to each relevant main issue (identified in the MIQs) in separate statements
  - Indicate very clearly and succinctly exactly what changes are advocated as necessary to make the Plan sound or legally compliant and make it very clear the precise wording changes required.
  - Keep the statements focussed, to the point and no longer than 3000 words for each main issue. It is the quality of the reasoning which carries weight, not the length of the documents
  - Do not include appendices
  - Submit two A4 sized paper copies along with the electronic version to the Programme Officer. Paper copies should be stapled and not bound with any A3 tables or diagrams folded to A4 size.
37. Statements that are of excessive length or contain irrelevant or repetitious material may be returned.
38. In preparing the Statements reference should be made to our Initial Questions and the Council's responses, both of which are on the examination website.
39. Unlike other participants, the Council is required to respond to each question and therefore the 3000 word limit does not apply to it. However, any statements must be succinct, and reference can be made to responses to Initial Questions [NBBC/3 to NBBC/5] and to documents in the examination library.
40. All statements relating to the hearings sessions commencing on 9 July 2024 (Block 1) must be submitted to the Programme Officer by email by 5pm on **17 June 2024**. This is an absolute deadline. Paper copies will be required to be despatched to the Programme Officer that day.
41. We will set out the timetable for the submission of statements relating to the Autumn hearing sessions (Blocks 2 and 3) in due course when the MIQs for Block 3 (and any additional MIQs for Block 2) are published.

## **Site Visits**

42. We have already visited some of the proposed allocations and the general area. In so far as we determine it to be necessary for our consideration of soundness of the Plan, we shall visit other relevant sites and areas before, during or after the hearing sessions. We will do these unaccompanied by any parties to the Examination, unless access to private land is necessary.

## **Close of the Examination**

43. Following the hearing sessions, the examination will remain open until our report is submitted to the Council. However, we will not accept any further representations or evidence from any party during this time, unless we have specifically requested it.
44. Further information about the preparation and examination of Local Plans can be found using the following links:
- National Planning Policy Framework September 2023  
<https://webarchive.nationalarchives.gov.uk/ukgwa/20230929144819/https://www.gov.uk/government/publications/national-planning-policy-framework--2>
  - The National Planning Practice Guidance on plan making  
<https://www.gov.uk/guidance/plan-making>
  - The Planning Inspectorate Procedure Guide for Local Plan Examinations (updated February 2023)  
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>
  - The Planning Inspectorate Customer Charter  
<https://www.gov.uk/government/publications/planning-inspectorate-customer-charter>

*Mike Worden and Beverley Wilders*

INSPECTORS