

Nuneaton and Bedworth Borough Council

Examination of the Gypsy and Traveller Site Allocations DPD

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Examination webpage:

<https://www.hwa.uk.com/projects/nuneaton-bedworth-bc-gypsy-and-traveller-site-allocations-dpd/>

GUIDANCE NOTE FROM THE INSPECTOR

Purpose

1. The Gypsy and Traveller Site Allocations Development Plan Document (DPD) was submitted for examination on 29 June 2022 and I have been appointed by the Secretary of State to examine it. This note provides guidance on how the examination will be run.
2. More information on the examination process can be found in the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#). There is also a [short guide](#), which may be helpful, especially if you have not previously been involved in an examination.

Inspector's role and purpose of the examination

3. My task is to examine whether the plan is 'sound' and whether it meets key legal and procedural requirements. The 'tests of soundness' are set out in the government's [National Planning Policy Framework](#) (in paragraph 35). Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.
4. The potential outcomes of the examination are that:
 - the submitted plan is sound, meets the relevant legal requirements and does not need to be changed;
 - the submitted plan is not sound and/or it does not meet the relevant legal requirements, but it could be made to do so by changing it (these changes are known as main modifications). If necessary, this may follow the preparation of additional evidence; or
 - the submitted plan is not sound and/or it does not meet the relevant legal requirements and it could not be made sound by changes. If so, I would recommend that the Council withdraws the plan.

Programme Officer

5. The Programme Officer plays a key role in organising the examination and acts as the first point of contact for everyone. They work with the Inspector and independently of the Council. The contact details for the Programme Officer are given above and any questions should be directed to them.

Examination webpage

6. This will provide information about the examination, including the hearings. It is maintained by the Programme Officer and will be updated regularly. A link is provided above.
7. If you do not have access to the internet, please contact the Programme Officer so that alternative arrangements can be put in place.

The examination process

8. The examination will now move through the following stages, which are outlined in more detail in the Procedure Guide:
 - preparation of statements in advance of hearing sessions
 - hearing sessions
 - consultation on any main modifications (changes to the plan)
 - my final report
9. The timing and nature of the process is subject to variation depending on how the examination proceeds. For example, there may be additional stages if I conclude that more evidence needs to be prepared to help justify the plan or to inform changes.
10. The starting point is that the Council has submitted a plan which it considers is ready for examination. The Council should rely on the evidence put together while preparing the plan to show that it is sound. Anyone wanting to change the plan should explain why they think it is not sound and how their suggestion would put it right.

Changes to the plan

11. Once the plan has been submitted for examination there are only two ways in which it can be changed:

Main modifications – these are any changes that are necessary to achieve a sound plan. During the examination I will say if I think any are needed. They would then be subject to public consultation, and I will consider any comments, before concluding on them. They may also need to be subject to a sustainability appraisal.

Additional modifications – these are changes which do not materially affect the policies in the plan. They are made by the Council when they adopt the plan and are not a matter for the examination. They are sometimes referred to as minor modifications.

12. The Council has suggested a series of changes to the DPD (CD1.9). I will consider those changes, but it is important to recognise that the basis for my examination is the submitted plan, not including these suggested changes. I will only recommend changes to the submitted plan if they are required to ensure it is sound and/or meets the relevant legal requirements.
13. I will also take account of any other potential main modifications suggested by the Council or others during the examination. However, if the plan is already sound it is not the purpose of the examination to improve it.

Representations made on the plan

14. The Council has prepared a Consultation Statement (CD5.7) which includes details of the consultation that has taken place on the plan, and their summary of the main issues raised in the representations.
15. A full set of the representations made on the submitted plan has been provided to me and I will take them all into account. These are sometimes referred to as responses to the 'Regulation 19' consultation, after the legal regulation relating to this stage. I will not consider representations made on any earlier draft versions of the plan (which are sometimes referred to as the Regulation 18 stage).

Matters, issues, and questions

16. Based on my initial assessment, I have identified a number of matters, issues, and questions I want to explore. Essentially these are a series of grouped questions on specific topics, intended to give an ordered structure to the examination. They are set out in my Matters, Issues, and Questions document which has been issued at the same time as this guidance note.

Hearing statements

17. The Council should produce a statement responding to all my matters, issues and questions.
18. Other participants should only submit hearing statements on topics they made representations about. However, if you feel that your representation adequately answers the issues and questions I have raised, there is no need to submit a hearing statement.
19. Statements should be focussed and as short as possible, and in any event must contain no more than 3,000 words for each matter. They should:

- clearly identify (by reference number/letter) which specific matters, issues and questions are being answered;
 - only answer the specific matters, issues and questions which are of direct relevance to your original representation;
 - not introduce new evidence or arguments.
20. Appendices should only be included exceptionally if they are directly relevant and necessary and should not be used as a means of increasing the word-count. You should not attach any document over a page long as an appendix without first contacting the Programme Officer to check whether the Inspector is content to accept it.
 21. Because the Council must answer every question, it may be justified to go over the limit of 3,000 words per matter in some cases.
 22. Please email electronic versions of your statement(s) to the Programme Officer in Word or PDF format by **Friday 7th October 2022**. If you are unable to email your statement, please contact the Programme Officer so that alternative arrangements can be made.
 23. All hearing statements will be posted on the examination webpage after the submission date. They will not be circulated directly to participants. Anyone who is unable to access them on the webpage should contact the Programme Officer.
 24. Once the date for submitting hearing statements has passed, no other written evidence will be accepted throughout the examination, unless I specifically request it. To be fair to all participants, the hearings should not be used to introduce additional evidence.

Examination hearing sessions

25. The hearing sessions (which are part of the examination) will take place on Thursday 27th October 2022 with Friday 28th October kept as a reserve day in case the sessions run over. They will be held virtually through an appropriate platform, most likely Microsoft Teams.
26. The hearing sessions will be run as structured discussion which I will lead. There will be no formal presentation of cases or cross-examination of participants. There will be a lot to cover and all contributions should be concise and focused.
27. Anyone may attend a hearing as an observer, but only those who made a representation seeking to change the plan have a right to speak and take part. The right to be heard only applies to the sessions relevant to the original representation. It is up to you whether you want to rely on the consultation response you made or if you want to take part in the hearing. However, the hearing sessions are not an opportunity to simply repeat a case already set out in written representations. All representations will be taken into account, regardless of whether they are made verbally at a hearing or in writing.

28. If you have a right to take part and wish to do so, please contact the Programme Officer by **Friday 23rd September 2022** indicating which session(s) you wish to take part in and which are relevant to your representations. You must do this regardless of what you may have indicated in your original representations. Please note that if you do not contact the Programme Officer by that date, it will be assumed that you do not wish to take part and you will not be listed as a participant in the hearing sessions.
29. Participants may choose to be represented by someone else, for example a professional expert.
30. Those who made representations which did not seek changes to the plan, including those supporting it, do not have a right to take part in the hearings. However, I may invite additional people to take part if this would help me assess the plan.
31. Where several representors or organisations wishing to take part in the hearings have similar points, it will help me if they can arrange to be represented by one or two spokesperson(s). Please contact the Programme Officer to discuss this.
32. Please let the Programme Officer know as soon as possible if you have any specific needs or requirements to enable your attendance at or participation in the hearing sessions.
33. The issues considered in local plans examination can be controversial, sometimes leading to strong and conflicting views. At all times during the examination participants and observers are expected to act in a courteous, respectful and helpful manner towards each other. I will ensure that all participants are given a fair opportunity to express their views. Inappropriate material submitted during the examination will not be accepted. Threatening or aggressive behaviour of any kind will not be tolerated.

Representations proposing alternative site allocations

34. The starting point for the examination is that the Council has submitted a plan which it considers is sound and legally compliant. I will therefore be considering whether the policies and site allocations within the Plan comply with the requirements.
35. I will not be considering the merits of any alternative or omission sites. If during the examination it appears that additional sites may need to be allocated, I would raise this matter with the Council, and it would decide what to propose in order to meet this need.
36. Those seeking changes need to demonstrate why the submitted plan is not sound, rather than highlight an alternative or omission site.

Site visits

37. I will decide which sites and which parts of the plan area I will visit to help me reach my conclusions. I may carry out these visits, before, during and after the hearings. I will visit unaccompanied, unless it is necessary to go onto private land, in which case I will make arrangements through the Programme Officer.

Close of the examination

38. Following the hearing sessions, the examination will remain open until my report is submitted to the Council. However, I will not accept any further representations or evidence from any party during this time, unless I have specifically requested it.
39. Further information about the preparation and examination of Local Plans is available as follows:

National planning policy and guidance:

- the government's planning policy - [National Planning Policy Framework](#)
- the governments [Planning Practice Guidance](#)

The Local Plan examination process and the role the Planning Inspectorate plays in that - [local plans and the examination process](#). This page includes:

- the Procedure Guide for Local Plan Examinations
- a short guide to taking part in local plan examinations

Relevant legislation – is available at <http://www.legislation.gov.uk/>:

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Thomas Hatfield

INSPECTOR