

# Rugby Borough Local Plan Examination

Inspector – Mike Hayden BSc (Hons) DipTP MRTPI

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## EXAMINATION GUIDANCE NOTE

### Updated for Stage 2 Hearings

#### Purpose of the Guidance Note

1. This note provides guidance to participants on the procedural and administrative arrangements for the examination of the Rugby Borough Local Plan (the Plan).

#### The Inspector's role in the examination

2. I have been appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act and associated regulations. The plan to be examined is the *Publication Draft* of the Rugby Borough Local Plan, dated September 2016.
3. The *National Planning Policy Framework* (DCLG, March 2012) <http://planningguidance.planningportal.gov.uk/blog/policy/> sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.
4. 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 changes (known as *main modifications*), if necessary following additional work
  - the submitted plan is not sound and could not be made sound by changes
5. Following the close of the hearings I will prepare a report to the Council with my conclusions. My report will deal with broad issues, rather than specifically with each individual representation.

#### Dates for Hearing Sessions

6. Hearing sessions of the examination are taking place in two stages, as follows:

Stage 1	23 January – 1 February 2018	COMPLETED
Stage 2	17-26 April 2018	
7. The Stage 1 hearings closed on Thursday 1 February 2018. They considered the legal and procedural compliance issues and key strategic matters, including the strategic site allocations. The Stage 2 hearings will cover all other matters, including non-strategic site allocations and all other policy issues.
8. The Stage 2 hearing sessions will be held at **The Benn Hall, Newbold Road Rugby CV21 2LN**.
9. Two documents are available with this note:
  - Matters, Issues and Questions (MIQs) for the Stage 2 Hearings** – these will form the basis of the discussion at the Stage 2 Hearing sessions;
  - Stage 2 Hearings Programme** – this sets out the issues to be discussed at each session of the Stage 2 Hearings. It is a draft version and may be subject to change. Participants should check the examination website for regular updates.

## Programme Officer

10. The Programme Officer (the PO) for the Examination is Carmel Edwards. Carmel is working under my direction and is independent of the Council. She can be contacted as follows:

Address: c/o Rugby Borough Council, Town Hall, Evreux Way, Rugby CV21 2RR  
Email: [programme.officer@rugby.gov.uk](mailto:programme.officer@rugby.gov.uk) Tel: 07969 631930

11. The main tasks of the PO are to act as a channel of communication between all parties and myself, to liaise with the parties to ensure the smooth running of the examination, to ensure that all documents received are recorded and distributed, and to run the Examination Library.
12. Copies of examination documents can be found in the Examination Library on the Examination webpage at <https://www.rugby.gov.uk/localplan>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
13. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO.

## Changes to the Plan

14. The starting point of the examination is that the Council have submitted a plan which they consider to be sound and ready for examination. At this stage there are only two means by which changes can be made to the submitted plan:
  - (1) *main modifications* recommended by the Inspector
  - (2) *additional modifications* made by the Council on adoption.
15. However, I can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.<sup>1</sup> *Main modifications* are changes which, either alone or in combination with others, would materially alter the plan or its policies. Any potential *main modifications* must be subject to consultation and in some cases further sustainability appraisal might also be needed.
16. *Additional modifications* are those changes which do not materially affect the policies in the Plan.<sup>2</sup> They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.'<sup>3</sup> The Council is accountable for any such changes and they do not fall within the scope of the examination.<sup>4</sup>

## Modifications proposed by the Council

17. The Council has submitted a Table of Modifications (document LP54A) to the Plan, which it considers are *additional modifications* and proposes should be incorporated within the Plan. As at the Stage 1 hearings I will be discussing these at the Stage 2 hearings and whether any should be considered as *main modifications*. The Council has formally requested (RBC/01) that I include recommendations in my report about any necessary *main modifications*. It is possible that further changes may be proposed during the hearing sessions.

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<sup>1</sup> Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

<sup>2</sup> S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

<sup>3</sup> 3.4 of *Procedural Practice in the Examination of Local Plans (June 2016)*

<sup>4</sup> 3.4 & 5.27 of *Procedural Practice in the Examination of Local Plans*

## Participation in the hearing sessions

18. The hearings will take the form of a roundtable discussion which I will lead. They will not involve the formal presentation of cases by participants or cross-examination. Discussion at the Stage 2 hearing sessions will be based on the **MIQs for Stage 2** accompanying this note. This also explains how I intend to deal with 'omission sites' which have been put forward in representations.
19. Only those who have previously made representations relevant to the matters being discussed and are seeking a change to the Plan, and who register a request to appear, have a right to participate in the hearing sessions.<sup>5</sup> However, the sessions are open for anyone to observe.
20. Notwithstanding any indications that may have previously been made about participation in the hearing sessions, **if you wish to participate in the Stage 2 hearing sessions please contact the PO to confirm your request by no later than Friday 9 March 2018**.
21. Please note that written representations and oral representations will carry the same weight, and I will have equal regard to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish to participate in the discussion.
22. Where several people or organisations wish to speak on the same issue, representors may wish to consider appointing a single spokesperson or persons. Please discuss this with the PO.
23. A draft **Stage 2 Hearings programme** is available on the Examination webpage at <https://www.rugby.gov.uk/localplan>. An updated version will be published on the Examination webpage in early April 2018 and will include a list of participants for each issue. It will be for individual participants to check the progress of the hearings, either on the webpage or with the PO, and to ensure that they are present at the right time.
24. The hearing sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. 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.

## Hearing statements

25. The Council should produce a hearing statement for each of the issues and questions set out in the **MIQs for Stage 2**.
26. Those who made representations may also submit hearing statements on the MIQs. However, preparing a statement is not a requirement and representors may wish to rely on previous submissions.
27. Hearing statements from those who made representations should be a maximum of 3000 words for each Issue. Within this limit, they should be kept as short as possible. Appendices should only be included where directly relevant and necessary and should also be as succinct as possible. In addition, statements should:
  - include page and paragraph numbers

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<sup>5</sup> S20(6) of the PCPA 2004

- only answer the specific questions which are of relevance to your original representations;
  - clearly identify the number(s) of the question(s) being answered;
  - when referring to documents in the Examination library give the document reference and paragraph number;
  - state whether any of the Council's proposed *Modifications* (LP54A) would resolve the concerns and make the Plan sound;
  - indicate whether any other changes are needed to make the Plan sound (providing detailed suggested wording for the change and if appropriate, any changes sought to the Policies Map);
  - not be ring or spiral bound.
28. The Council should produce statements which are focussed and succinct. However, because they have to answer every question there may be some occasions where it is necessary to go over the 3000 word limit.
29. Where several people or organisations wish to speak on the same issue, representors should consider producing a single joint paper. Please contact the PO to discuss.
30. In preparing statements you should be aware of the updated list of evidence documents in the Examination Library on the Examination webpage.
31. Three paper copies and an electronic version of each hearing statement should be submitted to the PO by **12.00 noon on Friday 23 March 2018**. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
32. Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them online may request copies from the PO.
33. Aside from these hearing statements no other written evidence will be accepted, unless I specifically request it. The hearing sessions should not be used to introduce new evidence or arguments.

### **The Examination Library**

34. There is an online Examination Library which can be found on the Examination webpage at <https://www.rugby.gov.uk/localplan>
35. This contains the submission documents, the Council's evidence, and documents which have been produced during the Examination, including those submitted at or following the Stage 1 hearings. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

### **Site visits and close of the examination**

36. Insofar as I consider it necessary to my assessment of the soundness of the plan, I will visit sites and locations referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land. Arrangements for any accompanied visits which I consider to be necessary will be made during the hearing sessions.

37. The examination will remain open until my report has been submitted to the Council. However, 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.

**Further information**

38. Further information about the preparation and examination of Local Plans can be found in the *National Planning Practice Guidance* <http://planningguidance.planningportal.gov.uk/> and in the Planning Inspectorate's *Procedural Practice in the Examination of Local Plans – June 2016 (4<sup>th</sup> Edition v.1)* [http://www.planningportal.gov.uk/uploads/pins/dpd\\_procedure\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf)

*M Hayden*

INSPECTOR