



# The Planning Inspectorate

## Examination of the Erewash Core Strategy Review Examination Guidance Note October 2023

### 1. Introduction

- 1.1 This Guidance Note outlines the procedural and administrative arrangements for the examination of the Erewash Core Strategy Review, submitted for examination on 30 November 2022 by Erewash Borough Council.
- 1.2 Participants should familiarise themselves with the contents of this note, particularly those who wish to submit hearing statements and/ or take part in the hearing sessions.
- 1.3 Further information about the preparation and examination of Local Plans can be found in the Planning Inspectorate's Procedure Guide.

### 2. Role of the Planning Inspector and Programme Officer

- 2.1 The Core Strategy Review is being examined by K Ford, an Inspector appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the Erewash Core Strategy Review.
- 2.2 Miny Schofield is the Programme Officer for the examination, working under the direction of the Inspector independently from the Council. She is responsible for organising the administration of the examination, maintaining the document library, ensuring that all documents received are distributed, and acting as the channel of communication between the Inspector, the Council and those taking part in the examination. She is the first point of contact for those with queries about the process.

The Programme Officer's contact details are:

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### **3. The Scope and Purpose of the Examination**

- 3.1 The purpose of the examination of the Core Strategy Review is to determine whether it satisfies legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations, whether the Council has complied with the Duty to Co-operate and whether the Core Strategy Review is sound.
- 3.2 As part of this process, the Inspector will need to determine whether or not;
- The Council has complied with the Duty to Co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).
  - The Core Strategy Review has been subject to an adequate Sustainability Appraisal.
  - The Core Strategy Review 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.
- 3.3 To be sound the Core Strategy Review must be:
- Positively prepared: providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreement 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 National Planning Policy Framework (NPPF).

#### **4. Making Changes to the Core Strategy Review**

- 4.1 The starting point is the assumption that the Council has submitted what it considers to be a sound Strategy.
- 4.2 The basis for the examination is the submitted Core Strategy Review. This is the Draft Submission document of 30 November 2022. Any main modifications which the Inspector subsequently recommends will be modifications to the submitted Core Strategy Review.
- 4.3 The Inspector will take into account any potential main modifications suggested by the Council or others during the examination. Ultimately, if the Inspector concludes that main modifications are necessary for soundness or legal compliance, they will be included as recommendations in the report to the Council.
- 4.4 The Council would be able to make any other 'additional modifications' to the submitted Core Strategy Review prior to adoption, provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Council, the Inspector will not be considering such additional modifications during the examination and they will not form part of the Inspector's report.
- 4.5 The Inspector will consider all of the representations made on the Core Strategy Review (draft Submission document 30 November 2022) insofar as they relate to legal requirements or matters of soundness. However, the Inspector is not required to report on every point made. In some cases, the issues identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the Core Strategy Review (an objection) has a right to make their case in person at the hearing sessions, if they have indicated their wish to do so. It is important to stress though that written representations carry as much weight as evidence given at the hearing sessions.
- 4.6 Those who have made representations supporting the Core Strategy Review do not have a right to participate at the hearing sessions. The Council has submitted the Core Strategy Review for examination and it is expected that it will be able to set out and justify its own position. It is not necessary for those who support the Core Strategy Review to participate in hearing sessions.
- 4.7 The examination will close when the Inspector's report is submitted to the Council. The potential outcomes of the examination are that:
  - a) The Council has complied with the Duty to Co-operate, the Core Strategy Review satisfies legal requirements and it is sound. The Inspector would recommend that the Core Strategy Review is adopted and would give reasons for this.

- b) The Council has not complied with one or more of the above requirements. The Inspector would recommend that the Core Strategy Review is not adopted and give reasons for this.
  - c) The Council has complied with the duty to co-operate but that the Core Strategy Review does not satisfy legal requirements and/ or is not sound and the Council has asked the Inspector to recommend main modifications to address matters of legal compliance and/ or soundness. The Inspector would make such recommendations.
- 4.8 It is important to stress that the Inspector would not be able to rectify non-compliance with the duty to co-operate.
- 4.9 Those main modifications recommended by the Inspector to address soundness or legal compliance issues would be subject to public consultation and sustainability appraisal prior to the report being finalised.

## **5. Matters, Issues and Questions and Hearing Sessions**

- 5.1 The Inspector has identified a number of matters and issues which need to be explored during the examination. These are set out in the Matters, Issues and Questions document published alongside these guidance notes. This sets out a number of specific questions that will need to be addressed. The hearing sessions will allow the Inspector to explore these matters and issues further with the Council and other participants, taking into account relevant representations made and any additional statements which the Inspector requests. The Inspector will lead a discussion asking questions of the Council and allowing other participants to contribute as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. An agenda for each hearing session will be circulated to participants in advance.
- 5.2 It is proposed to conduct the hearings 'face to face' at the Council Offices with the Inspector, Council representatives and all invited participants physically present. The hearing sessions will commence at **9.30am on 12 December 2023 at Erewash Borough Council, Long Eaton Town Hall, Derby Road, Long Eaton, Derbyshire NG10 1HU.**
- 5.3 The hearings programme published alongside this guidance note sets out the proposed times and dates for sessions dealing with each of the matters that have been identified. The detailed programme may be subject to change nearer the time and participants should ensure they check for any updates. Should circumstances change and it is not possible to have 'face to face' sessions, the Inspector has retained the option of conducting all of the sessions virtually.
- 5.4 The participants for each session will be those who made relevant and valid representations seeking a change (an objection) to the Draft Submission Core Strategy Review document published on 30 November

2022 and have subsequently confirmed to the Programme Officer that they wish to speak.

- 5.5 All those who wish to speak (participate) at the hearing sessions should confirm this in writing with the Programme Officer by **12:00 midday on Friday 3 November 2023** stating which session or sessions they wish to speak at (referring to the matter number and quoting their respondent reference number). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. The finalised timetable and list of participants will be confirmed before the hearing sessions commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.

## **6. The Examination Library**

- 6.1 A library of all documents associated with the examination is being maintained and will be updated to include any additional documents produced during the course of the examination. An up to date list of documents with their reference numbers is available from the Programme Officer. All documents are available via the Examination pages of the Council's website and this will be kept up to date.

## **7. The Submission of Statements and Further Material**

- 7.1 The Council should produce an individual written statement for each of the matters identified; addressing all of the issues and specific questions set out in the Matters, Issues and Questions document. They should include specific references to supporting evidence where appropriate. The Council is asked to address key points raised in relevant representations when answering the questions.
- 7.2 Other participants may, if they wish, submit written statements addressing the issues and questions set out for the sessions they are attending which are relevant to their particular representations. However, there is no need to repeat points already made in representations. Participants may wish to rely on their earlier representations. Others who have made relevant representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Again though, there is no need to repeat points already made.
- 7.3 Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Core Strategy Review, other examination documents or those in the public domain such as the National Planning Policy Framework (NPPF). Clear cross referencing will be sufficient.

- 7.4 The statements should be sent to the Programme Officer. For both the Council and other participants, the strict deadline for receipt of written statements is **12:00 midday on Thursday 30 November 2023**. Statements must be submitted by this deadline at the latest to enable the Inspector and others involved to fully digest them and prepare for the hearing sessions. Statements received after this deadline will not be accepted. Statements should be sent electronically. There is no need to provide paper copies.
- 7.5 It should be made clear who is submitting the statement (quoting the respondent reference number) and which matter it relates to. Statements should be no more than 3,000 words long. A flexible approach will be taken to the length of the Council's statements where the matters relate to a large number of policies. Separate statements should be submitted for each matter.
- 7.6 Other than the statements referred to above, no further information or documentation should be submitted to the examination unless specifically asked for. The Inspector will consider requests from the Council to produce additional Topic Papers or technical notes which would assist with the examination. There is no scope to produce rebuttal statements and additional statements or information should not be presented at the hearing sessions.

### **Summary/ Key Points**

- The Matters, Issues and Questions document sets out the key questions which the Inspector will be considering.
- The Hearings programme sets out the proposed detailed timetable for hearing sessions. This may be subject to change.
- All those wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by 12:00 midday on Friday 3 November 2023.
- Participants at the hearings will be confirmed in due course.
- Statements for the hearing sessions should be based on the Matters, Issues and Questions document and must be submitted to the Programme Officer by 12:00 midday on Thursday 30 November 2023.
- All documentation relevant to the examination is available on the Council's website and this will be kept up to date.
- Any queries regarding the hearings or examination generally should be directed to the Programme Officer – Miny Schofield.

*K Ford*  
INSPECTOR