

Examination of the Norfolk Minerals and Waste Local Plan

Post Hearing Note – Main Modifications and Related Matters

Introduction

1. During the hearing sessions a number of potential main modifications (MMs) and additional minor modifications (AMs) were discussed. Although some of these were provided in draft before the commencement of the hearing sessions (D9 and D10), there were many potential MMs and AMs that arose during the course of discussions. This note relates to administrative arrangements relating to the necessary public consultation on the MMs.
2. The Council maintained a running list of all of potential MMs, AMs and post hearing actions which has been provided to the Inspector. This list is suitable for publication on the examination website. Understandably at this stage, the list does not provide the detailed wording for all of the potential MMs and AMs. However, it does provide an appropriate basis for the Council to consider the detailed wording and content of a consultation draft of the potential MMs and to consider any consequential changes.

Process

3. The Council should now prepare a consolidated schedule of all the potential main modifications. In doing so, the Council should also consider the need for any other consequential changes that might be required in connection with any potential main modifications.
4. Although I will make no comment on matters of soundness, I will need to agree the consultation version of the MM schedule before it is made available for public consultation. In this regard, the consultation draft MM schedule should be provided to the Inspector by 30 August 2024.
5. The schedule should take the form of a numbered list of main modifications with changes shown by means of strikethrough to show deleted text and new text shown in bold or underlined (or both). It should also include a column that briefly explains the reasons for the main modifications to assist consultees. For clarity, it is best to group all the changes to a single policy together as one main modification.
6. The Council will also need to update the list of proposed AMs. These are a matter solely for the Council. These should continue to be set out in a separate document from the MMs. However, it will be necessary for the list of AMs to be made available on the examination website by the date the formal consultation exercise on the MMs commences.
7. In order to ensure that the potential MMs and AMs can easily be understood and the effect on the content of the Plan demonstrated, the Council may wish to consider whether an amended version of the Submission Plan that contains all of the proposed main modifications should be produced and made available on the examination website.

8. The Council should also ensure that they have met the requirements for sustainability appraisal and Habitats Regulation Assessment (HRA) by producing addenda to the Sustainability Appraisal (SA) and HRA of the Submitted Plan in relation to the potential main modifications, where necessary and as appropriate. I will need to see a draft of any addenda, or confirmation that the proposed main modifications have been assessed and do not necessitate any addition or modification to the existing SA or HRA. The addenda should be published as part of the public consultation.
9. The AMs are a matter solely for the Council and should continue to be set out in a separate document from the MMs. If the Council intends to publicise or consult on any additional minor modifications it should be made clear that such changes are not a matter for the Inspector.

Public Consultation

10. Advice on the required consultation on the proposed MMs is provided in Examining Local Plans Procedural Practice (in particular, see paragraphs 5.24 to 5.28). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks but commonly 8 weeks).
11. In undertaking public consultation on the potential MMs, it should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan. In addition, it should also be made clear that the MMs are put forward without prejudice to the Inspectors' final conclusions.
12. The Procedural Practice also states that the general expectation is that issues raised on the consultation of the draft MMs will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

Timetable

13. Following confirmation by the Inspector that the draft MM schedule to be provided by 30 August 2024 captures the actions identified on the 'running list', the Council should confirm a timetable for the publication of the main modifications for consultation.
14. Following the receipt of responses to the public consultation exercise, the Inspector will need to see copies of all the representations received. In addition, the Council should prepare a comments table containing a summary of each representation made, the Council's views on these and whether any further changes to the Plan (MMs) are considered necessary. A final schedule of proposed MMs should be provided which will form an appendix to Inspectors Report. The timetable should also include an indicative date when the final schedule is likely to be provided to the Inspector.

Consideration of potential main modifications

15. In accordance with the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), the Council has formally confirmed that it wishes the Inspector to recommend any such main modifications that are necessary to make the Plan sound and legally compliant.
16. The views I have expressed in the hearing sessions and in this note are based on the evidence before me, including the discussion that took place at the hearing sessions. However, my final conclusions on soundness and legal compliance will be provided in the report which I will produce after the consultation on the potential main modifications has been completed.
17. In reaching my conclusions, I will take into account any representations made in response to the consultation. Consequently, any views I expressed during the hearing sessions and in this note about soundness and the potential main modifications which may be necessary to achieve a sound plan could alter following the consultation process.
18. Should any interested parties require any clarification on the content of this note then this should be made via the Programme Officer.

Stephen Normington

INSPECTOR