

Hello Sue

Thank you for forwarding the letter from Mr Niblett. I have the following response.

Dear Mr Niblett

Thank you for your letter regarding the Turvey Neighbourhood Plan.

You comment on both the process that the Borough Council has followed since the receipt of the examiner's report and also some of the examiner's recommendations. I will respond on these two aspects in turn.

The Neighbourhood Plan Regulations set strict timescales for the Borough Council to progress the 'making' of a neighbourhood plan once it has been formally submitted by the qualifying body. Upon receipt of the examiner's final report, the Borough Council has 35 days (in total, rather than working days, and including a ten day post decision call-in period) in which to issue a decision on whether to move on to the referendum stage. As the Parish Council had received the fact check examiner's report on 24th March, and had confirmed in writing on 21 April that they had no comments to make, there was no reason for Borough Council officers to think that there was any issue with the examiner's recommendations. Whilst the fact-check process is there to pick up spelling and other factual matters, we would have expected the Parish Council to make known at this stage any unhappiness with the report, including changes that the examiner had proposed. This didn't happen. Consideration of the report by planning officers took place and the paperwork accepting the recommendations of the examiner was swiftly progressed in order to meet the statutory deadline. We only became aware of the PC's concerns on receipt of your email on 4th June; some 10 weeks after the draft report was issued and by which time the 35 day deadline had passed and the referendum date had been publicised.

In respect of the examination process, the examiner's role is to test the submitted plan to determine whether or not it meets the basic conditions. If in the examiner's view it doesn't, then he/she will propose changes so that it does. It is the local planning authority's role to consider the examiner's report and any recommendations that have been proposed (see the link below to the NPPG). If the authority disagrees with the recommendations (in other words they think that the examiner is wrong and the recommendations are not needed to meet the basic conditions) then a further period of consultation takes place and perhaps even a further examination of the plan is organised.

In the case of the Turvey plan, officers reviewed the examiner's recommendations and agreed with her reasoning for the changes she proposed. Had the Parish Council raised issues with us earlier on, they would of course have been fully considered as part of this process. However, having now read in detail your concerns about the recommendations, I don't think they would have resulted in a different outcome. This process is similar to the one we have for the local plan, where the Inspector's modifications are there to make the local plan 'sound'. Rarely would we want to make all of the changes (such as the one that ties us into the review timetable for the new plan) but if we don't, then the plan is open to challenge. With neighbourhood plans, unfortunately the Parish Council can't pick and choose which of the examiner's recommendations it wants the Borough Council to take on board; the Regulations just don't allow that. If they are needed in order to meet the basic conditions then the plan cannot progress to referendum or be 'made' without them.

In your letter you ask about the examiner's suggestion relating to the inclusion of a list of heritage assets in the text of the plan. This was overlooked when the referendum version was prepared because it was in the text of the report rather than in the recommendations table. For that I apologise. This can be easily rectified at the next stage when the plan is 'made'. A list of heritage

assets is a factual matter and uncontroversial in nature. We note that there are 58 listed buildings in the parish so you may prefer them all to be added for clarity, possibly in a dedicated Appendix. Perhaps you could let me know if this is an acceptable way forward.

With regard to the petition about road safety issues, planning applications are determined in accordance with the policies in the development plan, including Local Plan 2030 Policy 31 which refers to highway safety. As consultee, the Parish Council will be well placed to advise of local road safety problems associated with future planning applications when they are submitted. This will ensure that such matters, that I know are important to local residents, are recognised.

To sum up, I am sorry that at this late stage the Parish Council has reached the view that it does not agree with some of the recommendations that the examiner found were needed to satisfy the basic conditions. Writing a neighbourhood plan is a big undertaking for a local community and I know that for residents of Turvey it hasn't always been easy to reach consensus. However so much has been achieved and the neighbourhood plan has stood up to formal scrutiny largely unchanged, which is something to be very proud of.

If I can help any further, please let me know.

Regards

Gill

The relevant National Planning Practice Guidance relating to post examination procedure can be found here. See para 092 in particular. <https://www.gov.uk/guidance/neighbourhood-planning--2#the-independent-examination>

Gill Cowie
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