Dear Laura and Evie

Little Eaton Neighbourhood Development Plan Independent Examination – Examiner Initial Letter

Further to my appointment, on 18 September 2019, to undertake the Independent Examination of the Little Eaton Neighbourhood Development Plan I am writing to clarify how I will conduct the examination which will formally commence today.

1. Communications

It is essential that the examination process is open and transparent to all interested parties. I would be grateful if the Borough Council could publish this email on their website. The Parish Council may wish to publish this letter on their Neighbourhood Plan website also. I will address all future communication to the Borough Council and send a copy to the Parish Council. It would be helpful if the Parish Council could channel all communication to me through the Borough Council, and that, when writing to me, the Borough Council sends a copy to the Parish Council.

2. National Planning Policy Framework

The Borough Council has confirmed the Neighbourhood Plan was submitted on 23 January 2019. The most recent National Planning Policy Framework published on 19 February 2019 includes transitional arrangements that state “the policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019”. The Planning Practice Guidance that was most recently updated on 22 July 2019 states Guidance published prior to July 2018 will continue to apply where plans are being prepared under the transitional arrangements. As a point of clarification, I confirm it is my intention to undertake the Independent Examination in the context of the National Planning Policy Framework published in March 2012 and Planning Practice Guidance published before July 2018.
3. Examination documents

The Borough Council has provided me with copies of the submission Neighbourhood Plan documents; each of the Regulation 16 representations received during the publicity period; and a copy of the Borough Council representations. I have access to additional documents on the Borough Council website, and the Parish Council Neighbourhood Plan website.

All documents that have been sent to me, including the Regulation 16 representations and the Borough Council representations, and any other documents that may be sent to me throughout the Independent Examination should be available for inspection by interested parties. This is best achieved through publication on the Borough Council website.

I have looked at the main submission Plan documents. Subject to my later detailed assessment I have not identified any obvious fundamental flaws in the submission documents that would lead me to advise the examination should not proceed. If I find that there are significant issues which may prevent the Neighbourhood Plan meeting the Basic Conditions and other requirements, that cannot be addressed through modifications, I will notify you during the examination.

The Borough Council has advised me what are regarded by the Local Planning Authority as the strategic policies of the Development Plan applying in the Little Eaton Neighbourhood Area.

I am providing an opportunity for the Parish Council to comment on the representations of other parties. There is no obligation on the Parish Council to offer any comments but this opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council should submit any comments to me, via the Borough Council, no later than 12.00 noon on Thursday 10 October 2019. The Parish Council may, at an earlier date, submit its comments, or confirm it does not intend to submit any comments on the representations. Any Parish Council comments should be published on the Borough Council website. Parish Council comments must not include new evidence.

4. Independence

From my initial review of the Neighbourhood Plan documents it would appear that there are no conflicts of interest that would call into question my independent status. I will keep that matter under review throughout the examination.

5. Visit to the Neighbourhood Plan area

After I have thoroughly reviewed the Neighbourhood Plan documents, representations, and any comments of the Parish Council, I intend to visit the plan area as this will assist me in understanding the nature of the
Neighbourhood Plan and points made in representations or comments, and help me decide if there are any issues to be clarified. I will undertake this visit on an unaccompanied basis as it is important that there should be no perception that I have heard additional representations.

6. Clarification procedure

I may at any time during the Independent Examination seek written clarification of any matters that I consider necessary. I will direct any request for clarification to the Borough Council, copying in the Parish Council. I will request any response is agreed as a joint response of the Parish and Borough Councils. Any request for clarification and any response should be published on the Borough Council website.

I am proceeding on the basis that the examination can be concluded without the need for a hearing. At any time before I issue my final report, I may call a hearing if I consider this is necessary to ensure adequate examination of any issue, or to allow a person a fair chance to put a case.

7. Examination timetable

The main determinants of how long the examination will take are: the number and complexity of the Neighbourhood Plan policies; the clarity of supporting evidence; and the number and nature of representations. Assuming a hearing will not be necessary, and that the need for me to request clarification of any matters will not cause undue delay, I anticipate that around mid to late October 2019 I will be able to send a confidential draft of my report to the Borough Council and the Parish Council to allow an opportunity to check whether there are any factual errors. This will not be an opportunity for any further representations to be made.

8. Procedural questions

A guide to Independent Examinations can be found at https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/regulation/drs/drs-services/npiers-planning-guidance-to-service-users-and-examiners-rics.pdf I would be pleased to address any questions relating to the examination process that the Borough Council or the Parish Council may have.

I should be grateful if the Borough Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
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