

INDEPENDENT EXAMINATION OF THE BROADWAS AND COTHERIDGE NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:

Christopher Collison BA(Hons) MBA MRTPI MIED MCMi IHBC

To Broadwas and Cotheridge Parish Council and Malvern Hills District Council
by email

Dated 9 April 2019

Dear Carole and David

Broadwas and Cotheridge Neighbourhood Development Plan Independent Examination – Examiner Initial Letter

Further to my appointment to undertake the Independent Examination of the Broadwas and Cotheridge Neighbourhood Development Plan I am writing to clarify how I will conduct the examination which has now formally commenced.

1. Communications

It is essential that the examination process is open and transparent to all interested parties. I would be grateful if the District Council and the Parish Council could publish this email on their respective websites. I will address all future communication to the District 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 District Council, and that, when writing to me, the District Council sends a copy to the Parish Council.

2. National Planning Policy Framework

A revised National Planning Policy Framework, that includes minor clarifications in respect of the July 2018 version, was published on 19 February 2019. Paragraph 214 of the 2019 revised Framework states "*The policies in the Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019*". I understand the Broadwas and Cotheridge Neighbourhood Plan was submitted on 20 January 2019. As a point of clarification, I confirm I will undertake the Independent Examination in the context of the National Planning Policy Framework published in March 2012.

3. Examination documents

The District Council has provided me with hard copies of the submission Neighbourhood Plan documents and each of the Regulation 16 representations received during the publicity period. The District Council has published all attributed representations received on their website.

All documents sent to me throughout the Independent Examination should be available for inspection by interested parties. This is best achieved through publication on the District Council website.

I have looked at the submission Plan document. Subject to my later detailed assessment I have not identified any obvious fundamental flaws in the submission document 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, I will let you know during the examination.

The District Council has advised me what comprises the Development Plan and has sent me a document that confirms what are regarded by the Local Planning Authority as the strategic policies of the Development Plan applying in the Broadwas and Cotheridge Neighbourhood Area.

The District Council has provided me with a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion (January 2019), and an Addendum to the HRA Screening Opinion following the EU Court of Justice ruling in *People Over Wind and Sweetman v Coillte Teoranta* (Judgement of the Court Seventh Chamber 12 April 2018) and the Court of Justice (Second Chamber) judgement of 25 July 2018 *Grace, Sweetman, and National Planning Appeals Board Ireland* (ECLI:EU:C2018:593).

A revised Basic Condition was introduced by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018. The effect of the Regulations with respect to the making of Neighbourhood Plans (Regulation 3) is that the Basic Condition *"The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects"* is replaced by a basic condition *"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."* I must undertake the Independent Examination of the Broadwas and Cotheridge Neighbourhood Plan in the context of the new Basic Condition. You will no doubt consider the implications of this change of Basic Condition in terms of any further actions, including consultations, that become necessary. I should be grateful if the District Council and Parish Council would jointly confirm that the Neighbourhood Plan meets the revised Basic Condition.

I am providing an opportunity for the Parish Council to comment on the Regulation 16 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 District Council no later than 12.00 Noon on Wednesday 24 April 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 District 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 District Council, copying in the Parish Council. I will request any response is agreed as a joint response of the Parish and District Councils. Any request for clarification and any response should be published on the District 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 firstly 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 I anticipate that by June 2019 I will be able to send a confidential draft of my report to the District 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

I would be pleased to address any questions relating to the examination process that the District Council or the Parish Council may have.

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

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd
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