

# INDEPENDENT EXAMINATION OF THE CLAVERDON NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:  
Christopher Collison BA(Hons) MBA MRTPI MIED MCFI IHBC

To Margo Key Parish Clerk Claverdon Parish Council and Matthew Neal Policy Officer Stratford-on-Avon District Council (copy to Jo Bozdoganli S-o-A DC) by email.

Dated 15 April 2019

Dear Margo and Matthew

## **Claverdon Neighbourhood Development Plan Independent Examination – Examiner Initial Letter**

Further to my appointment to undertake the Independent Examination of the Claverdon 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 Claverdon Neighbourhood Plan was submitted on 18 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. I have noted the representation of the Parish Council refers to correction of factual errors in respect of Site reference

CLAV 6. The District Council has emailed me an excel spreadsheet that lists the core evidence documents that underpin the Neighbourhood Development Plan.

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 confirmed all the policies of the Stratford-on-Avon Core Strategy 2011-2031 are regarded by the Local Planning Authority as strategic policies of the Development Plan applying in the Claverdon Neighbourhood Area.

The District Council has published a Strategic Environmental Assessment (SEA) of the Claverdon Neighbourhood Plan Screening Document November 2017 that includes a Habitats Regulations Assessment (HRA) Screening Conclusion. This document was prepared prior to:

- 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 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 District Council has provided me with a Technical Note prepared on 25 January 2019 (not 2018 as stated on the document) by Lepus Consulting relating to how The Conservation of Habitats and Species and Planning (Various Amendments) (England) and Wales) Regulations 2018 affect the Habitats Regulations Assessment Screening process for Neighbourhood Development Plans in the Stratford-on-Avon District. The District Council has confirmed it endorses the conclusions of the HRA update prepared by Lepus Consulting. I have asked the District Council to consult Natural England on the HRA Update and notify me of the outcome of that consultation.

The District Council has provided the Parish Council with an opportunity 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  
[collisonchris@aol.com](mailto:collisonchris@aol.com)