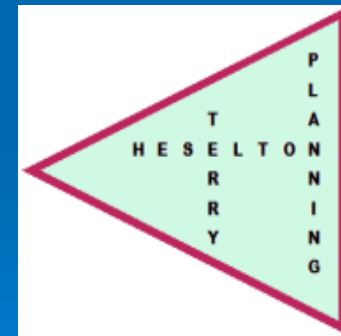


East Midlands Councils CPD Programme – Appeals and Inquiries

Neighbourhood Plan Examinations The Examiners Tale

**A Personal View on
Neighbourhood Planning
by Independent Examiner
Terry Heselton**



Neighbourhood Plans

“ Every neighbourhood will have the chance to shape its own development through neighbourhood plans”

‘Local Growth’ White Paper


“ For far to long local people have had too little say over a planning system that has imposed bureaucratic decisions by distant officials..... We need to change things so there is more people planning....”

Eric Pickles, Secretary of State for Communities and Local Government

“(We) will revolutionise the planning process by taking power away from officials and putting it in the hands of those who know most about their neighbourhood – local people themselves. This will be a huge opportunity for communities to exercise genuine influence over what their home town should look like in the future.”

Greg Clark, Minister for Planning and Decentralisation


State of Play

- Over 1000 NDPs under way
 - Over 900 neighbourhood areas designated
 - Over 100 draft NDPs prepared
 - Over 50 NDPs submitted for Examination
 - 28 successful referendums
- 

The Examiner

- Appointed by the LPA
- Appropriate Qualifications/Experience
- Consultant, LG Officer, planning professional, planning inspector, barrister
- No conflict of interest
- Sound and Impartial judgement
- NPIERS

Independent Examination

- Examiners Role
 - Written Reps is default position
 - Oral Hearings
 - Representations
 - Format and Scope
- 

Independent Examination

- Are 'Basic Conditions' met, ie does the NDP
 - > have regard to national policy and advice
 - > contribute to sustainable development
 - > generally conform to strategic policies in the development plan
 - > satisfy EU obligations including human rights legislation
- Are 'Regulatory Requirements' met
- Report with recommendations
 - > proceed to referendum without modifications
 - > proceed to referendum with modifications
 - > not proceed to referendum
- Referendum Area



The Good, the Bad and the ?


The Good (LPA)

- LPA establishes point of contact/programme officer to maintain impartiality
- LPA-Examiner Contract which sets out what is required from both sides, plus timetable
- Relevant submission documents and evidence/background documents provided
- Regulatory requirements, including publicity satisfied
- Positive advice/support provided to QB and ensure compliance
- NDP/Examination process – positive PR

The Good (QB)

- Early engagement with stakeholders/LPA
- NDP supported by proportionate evidence
- Regulatory requirements, including publicity, satisfied
- Health Check requested
- SEA screening undertaken and NDP accompanied by SEA Report (if necessary) which evaluates alternative options

The Bad

- NDP seeks to resist development
 - Pre-emptive strike on emerging Local Plan
 - Based on out of date DP while ignoring latest evidence produced in connection with emerging Local Plan
 - Repeats national and/or Local Plan policies
 - Conflict with Local Plan
- 

The ?

- Aspirational / non land use policies
- Deliverability
- Appropriate level of growth
 - > LPA or QB
 - > What if Development Plan does not prescribe housing targets for individual settlements
- Status of the Development Plan
 - > Local Plan not in place and old Development Plan is out of date
 - > Emerging Local plan is at an advanced stage
- Future Proofing

NPPF Para 216

Decision takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that might be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies, the greater the weight that might be given)