

INDEPENDENT EXAMINATION OF THE KILSBY REVIEW NEIGHBOURHOOD DEVELOPMENT PLAN

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

To West Northamptonshire Council and Kilsby Parish Council

By email to Jane Parry Senior Policy Officer (Planning), West Northamptonshire Council, and Emma Gibson, Clerk, Kilsby Parish Council

Dated 28 March 2022

Dear Jane and Emma

Kilsby Review Neighbourhood Development Plan Independent Examination – Examiner Initial Letter

Further to my appointment to undertake the Independent Examination of the Kilsby Review Neighbourhood Development Plan I am writing to advise you of a decision I have taken and to clarify how I will conduct the examination.

1. Type of modification of the made Kilsby Neighbourhood Development Plan

Kilsby Parish Council has submitted a proposal to West Northamptonshire Council for the modification of the Kilsby Neighbourhood Development Plan (made July 2016) stating the changes that are proposed to the NDP are a mixture of minor (non-material) changes and material changes that do not change the nature of the plan. West Northamptonshire Council has undertaken its own assessment and concluded, stating reasons, that the authority agrees with this view.

I have examined the made Kilsby Neighbourhood Development Plan and the submitted Kilsby Review Neighbourhood Development Plan. Whilst the review plan proposes the deletion of a policy, the insertion of a policy, and modification of the other policies of the made plan, both plans seek to shape, direct and help to deliver sustainable development in similar ways that are not significantly or substantially different. The review plan seeks to update the made plan so that it remains relevant in the context of more recent information and analyses, and changed context and circumstances. Neither the made plan nor the review plan seek to allocate land for development. I have considered the Regulation 16 representations insofar as they are relevant to the decision I must make. I have determined under Paragraph 10(1) of Schedule 2A to the Planning and Compulsory Purchase Act 2004 that the modifications contained in the proposed Kilsby Review Neighbourhood Development Plan do not change the nature of the development plan which the modification proposal would modify. On this basis the review plan will require independent examination but not a referendum. I will proceed with the Independent Examination in order to consider whether the Kilsby Review Neighbourhood Development Plan meets the Basic Conditions and other requirements.

2. Communications

It is essential that the examination process is open and transparent to all interested parties. I would be grateful if West Northamptonshire Council could publish this email on their website. I will address all future communication to West Northamptonshire Council and send a copy to Kilsby Parish Council. It would be helpful if the Parish Council could channel all communication to me through West Northamptonshire Council, and that, when writing to me, West Northamptonshire Council send a copy to the Parish Council. Advisors to the Parish Council or West Northamptonshire Council should channel any communication through the respective Council.

3. National Planning Policy Framework and Planning Practice Guidance

The most recent National Planning Policy Framework was published on 20 July 2021. The Planning Practice Guidance was most recently updated on 24 June 2021. Both the Framework and Guidance could be further revised or updated during the Independent Examination. As a point of clarification, I confirm it is my intention to undertake the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.

4. Examination documents

West Northamptonshire Council has provided me with a copy of the main submission Review Neighbourhood Plan document, and I have access to supporting documents and each of the Regulation 16 representations received during the publicity period which have been published on the West Northamptonshire Council website. I have noted additional information is available on the West Northamptonshire Council website and the Parish Council website. In particular I have noted the Parish Council website includes the Kilsby Conservation Area Appraisal and Management Plan adopted December 2018, the Kilsby Housing Need Report November 2020, and the Kilsby Neighbourhood Plan Design Code July 2021. Any other documents that may be sent to me throughout the Independent Examination, should be made available for inspection by interested parties. This is best achieved through publication on the West Northamptonshire Council website.

I have looked at the main submission Review Neighbourhood 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 Review Neighbourhood Plan meeting the Basic Conditions and other requirements, that cannot be addressed through modifications, I will notify you during the examination.

West Northamptonshire Council has advised me what comprises the Development Plan and what are regarded as the strategic policies of the Development Plan applying in the Neighbourhood Area.

I am providing the Parish Council with an opportunity to comment on the Regulation 16 representations of all other parties. There is no obligation on the Parish Council to offer any comments but this opportunity can prove particularly helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. I request the Parish Council should submit any comments to West Northamptonshire Council, no later than noon on Monday 11 April 2022. The Parish Council may, at an earlier date, submit its comments, or confirm it does not intend to submit any comments on the representations. West Northamptonshire Council should forward any Parish Council comments to me, and any comments should be published on the West Northamptonshire Council website. Any Parish Council comments must not include new evidence.

5. Independence

From my initial review of the main Review Neighbourhood Plan document, 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.

6. Visit to the Neighbourhood Plan area

After I have thoroughly read the Review Neighbourhood Plan documents, representations, and any comments of the Parish Council, I will visit the plan area to assist me in understanding the nature of the Review Neighbourhood Plan and points made in representations or comments, and help me decide if there are any issues to be clarified. My visit to the plan area will be on an unaccompanied basis as it is important that there should be no perception that I have heard additional representations. The timing of my visit may be affected by advice or directive issued by Her Majesty's Government in respect of the Coronavirus (COVID-19) pandemic.

7. 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 West Northamptonshire Council and send a copy to the Parish Council. I will request any response is agreed as a joint response of West Northamptonshire Council and the Parish Council if at all possible. Any request for clarification and any response should be published on the West Northamptonshire 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.

8. Examination timetable

The main determinants of how long an 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 during May 2022 I will be able to send a confidential draft of my report to West Northamptonshire 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. This intended timetable should be regarded as indicative only.

I should be grateful if both West Northamptonshire Council and the Parish Council could confirm in writing that they are willing to participate in the fact check of my emerging draft report on the terms indicated.

9. 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 West Northamptonshire Council or the Parish Council may have.

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

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd
collisonchris@aol.com