

INDEPENDENT EXAMINATION OF THE UPDATED DENSTONE NEIGHBOURHOOD DEVELOPMENT PLAN

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

To East Staffordshire Borough Council and Denstone Parish Council

By email to David Clarke, Planning Policy ESBC; Julie Sadler, Clerk DPC; and Jess Turner, Chair DPC

Dated 17 January 2024

Dear All

Updated Denstone Neighbourhood Development Plan Independent Examination – Examiner Initial Letter

Denstone Parish Council has prepared an Updated Denstone Neighbourhood Development Plan intended to replace the Denstone Neighbourhood Plan made (adopted) in 2017. The Parish Council and East Staffordshire Borough Council consider the updated plan includes material modifications which change the nature of the plan and requires examination and a referendum.

Further to my appointment to undertake the Independent Examination of the Updated Denstone Neighbourhood Development Plan I am writing to confirm that I agree with the assessment of the Parish and Borough Councils that the modifications of the plan are such that examination and a referendum are required.

I now 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. I will address all future communications to both the Borough and Parish Councils. It would be helpful if, when writing to me, the Borough and Parish Councils could send a copy to each other. Any advisors to the Parish Council or the Borough Council should channel any communication through the relevant Council.

2. National and Strategic Planning Policy

I confirm it is my intention to undertake the Independent Examination in the context of the relevant versions of the National Planning Policy Framework and Planning Practice Guidance. The Borough Council has advised me what comprises the Development Plan, and what are regarded by the Borough Council as the strategic policies of the Development Plan applying in the Neighbourhood Area.

3. Examination documents

The Borough Council has provided me with a copy of the submission Neighbourhood Plan documents. I have noted additional information is available on the Borough and Parish Council websites.

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

I have looked at the submission Updated 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 Updated 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 publicised the Plan proposal in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and sent me all the representations that the Borough Council has decided were duly made during the publicity period. This includes a representation of the Borough Council.

I am providing the Parish Council with an opportunity to comment on the duly made Regulation 16 representations of all other parties, including those of the Borough Council. 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 the Borough Council, no later than noon on Wednesday 31 January 2024. The Parish Council may, at an earlier date, submit its comments, or confirm it does not intend to submit any comments on the representations. The Borough Council should forward any Parish Council comments to me, and any comments should be published on the Borough Council website. Any Parish Council comments must not include new evidence.

4. Independence

From my initial review of the submission Updated Neighbourhood Plan documents, 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. Site visits in the Neighbourhood Plan area

All necessary visits to view parts of the plan area will be undertaken by me 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 both the Borough and Parish Councils. I will request, if possible, any response is agreed as a joint response of the Borough and Parish 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 an Independent Examination will take are: the number and complexity of the Updated 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 in March 2024 I will be able to send a confidential draft of my report to the Borough and Parish Councils to allow an opportunity to check whether there are any factual errors. That 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 the Borough and Parish Councils could confirm in writing that they are willing to participate in the fact check of my emerging draft report on the terms indicated.

8. Procedural questions

A guide to Independent Examinations can be found [here](#) 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 both the Borough and Parish Councils could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd