

INDEPENDENT EXAMINATION OF THE BURTON JOYCE NEIGHBOURHOOD DEVELOPMENT PLAN

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

To Burton Joyce Parish Council and Gedling Borough Council by email

Dated 23 August 2018

Dear All

Burton Joyce Neighbourhood Development Plan Independent Examination

Further to my appointment to undertake the Independent Examination of the Burton Joyce Neighbourhood Development Plan I am writing to clarify how I will conduct the examination and seek clarification in relation to Strategic Environmental Assessment and Habitats Regulations Assessment Screening.

1. Communications

It is essential that the examination process is open and transparent to all interested parties. I would be grateful if Gedling Borough Council and Burton Joyce Parish Council could publish this email on their respective websites. I will address all future communication to Gedling Borough Council and send a copy to Burton Joyce Parish Council. It would be helpful if the Parish Council could channel all communication to me through Gedling Borough Council, and that, when writing to me, Gedling Borough Council copies-in the Parish Council.

2. Examination documents

I understand Gedling Borough Council will post to me a hard copy of the Submission Plan documents this week. I have access to electronic versions of the Submission Plan documents. I have noted Gedling Borough Council are establishing an examination document file using the weblink www.gedling.gov.uk/burtonjoyceplan

Gedling Borough Council has confirmed the Regulation 16 period for representations commenced on 27 July 2018 and will close at 5.00pm on 14 September 2018. Gedling Borough Council will provide me with a copy of all representations received during that period. The Borough Council and the Parish Council should publish all representations received on their websites. The independent examination will formally commence when I have received copies of all of the representations which I anticipate will be on 15 September 2018.

I am providing an opportunity for Burton Joyce Parish Council to comment on the 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 within 2 weeks of

the date of the close of the period for representations, that is no later than 28 September 2018. The Parish Council may, at an earlier date, submit its comments to me or confirm it does not intend to submit any comments on the representations. Any Parish Council comments should be published on both the Parish Council and Gedling Borough Council websites. Parish Council comments must not include new evidence.

Gedling Borough Council has confirmed to me what are regarded as the strategic policies of the Development Plan that apply in the Burton Joyce Neighbourhood Area and I have access to those policies on the Borough Council website.

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 Plan meeting the basic conditions I will let you know during the examination.

3. Independence

From my initial review of the 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.

4. Visit to the Plan area

After I have thoroughly reviewed the 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 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.

5. Strategic Environmental Assessment (SEA) Screening Report

The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the Borough Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. I request the Borough Council adjusts the part of its website relating to this matter to make it clear this requirement has been met.

6. Habitats Regulations Assessment (HRA) Screening

The Strategic Environmental Assessment Screening Report includes conclusions relating to Habitats Regulations Assessment. I have noted the Strategic Environmental Assessment Screening Report is dated 3 May 2018 and that consultation with the statutory bodies was sent on 28 March 2018. Given the timing it is not clear whether this consultation has taken account of 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 will certainly not have taken account of

the Court of Justice (Second Chamber) judgement of 25 July 2018 Grace, Sweetman, and National Planning Appeals Board Ireland (ECLI:EU:C2018:593). I request the Screening Report in respect to Habitats Regulations Assessment, to the extent not already done so, is reviewed in the context of these EU Court rulings and that the Borough Council confirms, in consultation with Natural England, that the Screening Report is considered to be compliant with the identified EU Court rulings, or alternatively states what actions are proposed to rectify the situation.

7. Clarification procedures

I may at any time during the Independent Examination seek written clarification of any other matters that I consider necessary. I will direct any request for clarification to Gedling Borough Council, copying in the Parish Council. Any request for clarification and any response should be published on the Gedling Borough Council and Burton Joyce Parish Council websites.

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 the examination will take are firstly the number and complexity of the Plan Policies; the clarity of supporting evidence; and the number and nature of representations. Assuming a hearing will not be necessary I anticipate that within one month after the close of the period I have allowed for the Parish Council to comment on the Regulation 16 representation of other parties, I will be able to send a confidential draft of my report to Gedling Borough Council and Burton Joyce 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.

9. Procedural questions

I would be pleased to address any questions relating to the examination process that Gedling Borough Council or Burton Joyce Parish Council may have.

I would be grateful if both Gedling Borough Council and Burton Joyce Parish Council could confirm receipt of this email.

Regards

Chris Collison
Independent Examiner