

Lawshall Neighbourhood Plan Review 2021 – 2037

Independent Examination Correspondence Document

First published: 4 December 2023

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Introduction

This document will provide a written record of all relevant correspondence between the Examiner (Ann Skippers), Lawshall Parish Council (the Qualifying Body or 'QB'), and Babergh District Council during examination of Lawshall NP Review 2021 - 2037.

As required, specific documents will continue to be published on our Lawshall NP webpage: <https://www.babergh.gov.uk/web/babergh/w/lawshall-neighbourhood-plan>

Copies of e-mails / letters etc. appearing on the following pages:

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1. E from Examiner dated 2 Dec 2023: Procedural Examination Note (initial assessment and examination process).

Dated: 2 December 2023
From: Ann Skippers
To: Paul Bryant (BMSDC), Ian Poole (Lawshall NP Consultant)
Fwd to: Nigel Hughes (Chair - NP Review Group), Karen Whordley (Chair - Lawshall PC)
Subject: Procedural Examination Note on the Lawshall Review NDP

Dear Paul and Ian,

Please find [below] for your information and the PC's, an examination note on the procedure for the examination of the above Review Plan.

I trust you will find it self-explanatory, but of course please let me know if you have any queries.

Best wishes and thank you

Ann Skippers PPRTPI
Director Ann Skippers Planning
Chartered Town Planners

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Lawshall Review Neighbourhood Plan Examination

Examination Note 1

Following the submission of the Lawshall Review Neighbourhood Plan 2021 – 2037 Submission Plan for examination, I write to advise on initial procedural issues.

Initial matters

I confirm receipt of the Review Submission draft Neighbourhood Development Plan (the Plan) and accompanying documents. These include statements from the local planning authority, Babergh District Council (BDC) and the Parish Council regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

I am required to determine whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The original Plan was made in October 2017. The Parish Council has submitted a helpful Modifications Statement (found in the Basic Conditions Statement) that details the changes. The changes are also detailed on page 8 of the Review Plan. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan. They also reflect the changes to national planning policy and the production of the Joint Local Plan at BDC level.

The local planning authority, BDC, has reached the same conclusion.

I have considered the proposed modifications, the views of the Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance. I have reached the conclusion that the proposed modifications, whilst material in some cases, are not so significant or substantial as to change the nature of the made Plan. In this context, the draft Review Plan intends, amongst other things, to:

- Extend the Plan period to 2037
- Development of a vision and associated key issues
- Make changes to Policies LAW1, 2, 4, 5, 6, 7, 8, 11, 13, 14 and 16
- Delete Policies LAW3 and 12
- Add new Policies on house extensions, replacement homes in the countryside, light pollution, important views, Public Rights of Way, business and employment, farm diversification and designate a special character area in The Street

In reaching this conclusion, I have compared the whole made Plan with the whole Review Plan and find I have no reason to disagree with the views of the qualifying body and the local planning authority.

Therefore, the examination can proceed under the terms of Paragraph 11 of Schedule A2 and, as a consequence, should I recommend that the draft Plan be made (with or without modifications), a referendum stage will not be necessary.

Procedural matters

I now set out some general information about how I intend to conduct the examination.

My role is to determine whether the Plan meets the basic conditions and other legal requirements.

1. Communication

It is important that the examination process is open and transparent to all interested parties. I hope to ensure that the Parish Council feels part of the process. My main point of contact will be the designated local planning authority contact, Paul Bryant.

Any correspondence (other than that relating to contractual matters) should be published on the local planning authority's website and the Parish Council's website in a timely manner. If anyone else who is not the designated point of contact gets in touch with me direct, for example a local resident or planning consultant, I will refer them to the local planning authority contact in the first instance for assistance.

2. Examination documents

I will access most documents electronically either from the local planning authority's website or on the Parish Council website or any dedicated Neighbourhood Plan website. If I have any trouble finding or accessing any documents, I will let you know so that these can be provided to me.

3. Late representations

As a general rule of thumb late or additional representations will not be accepted. The only time when I will consider accepting a representation submitted after the consultation period has ended is in those cases where there has been a material change in circumstances since the six week consultation period has ended. For example national planning policy changes or a judgement may be handed down from the Courts. In these circumstances anyone wishing to introduce new evidence should fully justify why and, in the case of substantial documents, indicate which parts of the document are relevant and why.

However, if a meeting or hearing is held, there may be further opportunities for comments to be made at my request to assist me in ensuring adequate examination of an issue.

BDC note: The Examiner is aware of the focused consultation exercise on 'General conformity with the basic conditions' being carried out by Babergh DC following its adoption of the Joint Local Plan Part 1 (on 21 Nov 2023) and also, the publication of the new NPPF (in Sept 2023). The focused consultation period is 27 Nov to 11 Dec 2023.

4. The Qualifying Body's opportunity to respond to Regulation 16 representations

If the Parish Council would like to comment on all or any of the representations received by the local planning authority during the Regulation 16 (submission) consultation period, an opportunity should be given for this to occur. Usually this happens immediately after the consultation period has ended and is initiated by the local planning authority. A period of two weeks or so is normally given.

If the Parish Council has not yet been afforded this opportunity, please let me know so it can be actioned.

I should emphasise that there is no obligation for the Parish Council to make any comments; it is only if they wish to do so.

BDC note: Lawshall PC did submit a response to matters raised during the R16 consultation exercise. The response can read here: [R16 Reps Response \(placecube.com\)](https://placecube.com)

5. Clarification procedures

I may at any time during the examination seek written clarification of any matters that I consider necessary. This is quite common and should not be regarded as anything out of the ordinary. The usual time for response to any clarification queries is one to two weeks.

If I find that there are significant issues which may prevent the Review Plan meeting the basic conditions I will let you know during the course of the examination as soon as I can so that options on how best to proceed can be considered. Whilst this situation can usually be dealt with through an exchange of written correspondence, if it would be helpful to hold a meeting, I will suggest this and be in touch to make suitable arrangements. Any such meeting will be held in public and at the present time, likely to be held virtually.

Any request for clarification and any response should be published on the relevant Council websites.

6. Visit to the Plan area

I expect to be visiting the Plan area during the examination. Visits, where necessary, help me to understand the nature of the Plan and the representations. It will also help me decide if there are any issues to be clarified. I will not need to be accompanied on any visit. If however, I feel it is essential to gain access onto private land then I will be in touch to seek permission to do that and at that point an accompanied site visit may need to be arranged.

If I am 'spotted' during my visit, I would appreciate it if I am not approached, but allowed to continue the visit unheeded.

7. Examination timetable

The main determinants of how long the examination will take are the number and complexity of the policies in the Neighbourhood Plan, the clarity of supporting documentation and evidence and the number and nature of any representations.

It may be there is very little correspondence from me during the examination. I will however endeavour to keep you updated on the progress of the examination. Please do not hesitate to contact me if you wish to know progress and have not heard from me.

8. The need for a hearing

At the present time, I do not envisage there will be a need for a hearing. However, at any time before final report is issued, I may decide to 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.

If a hearing is necessary, I will let you know as soon as I can and be in touch to discuss the procedure and to make suitable arrangements at that time.

The period of notice for hearings is not prescribed, but typically 21 days' notice is given.

9. The 'Fact Check' stage

A confidential draft of my report will be sent to the Parish Council and local planning authority to allow both parties to check whether there are any factual errors such as dates, sequence of events, names and so on. This is not an opportunity for further representations to be made. A period of a week or so is usually set aside for this purpose.

I find it very helpful if the local planning authority collates its own comments with those of the Parish Council into a single response or both separate responses are sent to me at the same time.

I will endeavour to issue my final report shortly after the fact check stage.

10. Procedural questions

I hope this information is helpful. If the Parish Council or the [local planning authority] have any questions relating to the examination process at this stage, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI
Independent examiner
2 December 2023

[Ends]

2. X

Dated:
From:
To:
Subject:

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3. X

Dated:
From:
To:
Subject:

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