

Little Cornard Neighbourhood Development Plan 2020 – 2037

Independent Examination

First published: 8 February 2022

Last updated: 5 April 2022

Introduction

This document will provide a record of all 'general' correspondence during the Little Cornard Neighbourhood Plan examination period between the Examiner (Ann Skippers), the Parish Council (the Qualifying Body or 'QB'), and Babergh District Council.

As required, other specific documents will continue to be published on the district councils Little Cornard NP webpage: www.babergh.gov.uk/LittleCornardNP

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

- 1. E-mail from Examiner dated 7 Feb 2022 - Examination start and Procedures.**
- 2. E-mail from Examiner dated 14 March 2022 - Examination update and questions for Parish and District Council**
- 3. E-mail to Examiner dated 5 April 2022 – Response to questions for Parish and District Council**

1. E-mail from Examiner dated 7 Feb 2022 - Examination start and Procedures.

From: Ann Skippers
To: Paul Bryant (BMSDC)
Dated: 7 Feb 2022
Subject: Examination of the Little Cornard NDP
Attach: Examination Note 1

Dear Paul,

I am writing to confirm that the examination of the Little Cornard NDP has started.

I attach the examination note which sets out what I trust is useful information about the procedures for examinations. [\[BDC note: See overleaf\]](#)

If you or the Parish Council have any queries, please do not hesitate to get in touch.

I hope to be able to update you again about progress the week after next.

Kind regards
Ann Skippers

This e-mail and attachment was forwarded to the Little Cornard NP Group on 8 Feb 2022.

Little Cornard Neighbourhood Plan Independent Examination

Information Note from the Independent Examiner to the Local Planning Authority and Qualifying Body

Further to my appointment to undertake the independent examination of the above Neighbourhood Plan, this note aims to set out how I intend to conduct the examination. My role is to determine whether the Plan meets the basic conditions and other legal requirements.

1. Communications

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.

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.

It would be also helpful, if not already done, if the local planning authority could confirm the adopted development plan and any saved policies. In addition if there are any emerging development plans, details of the stages reached, and future programmes would be appreciated. In both cases, please direct me to relevant parts of your website or let me know how I can access the documents that you identify.

3. Late representations

As a general rule of thumb I will not accept late or additional representations. 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.

4. Clarification procedures

Once I have read all the papers, I may at any time during the examination seek written clarification of any matters that I consider necessary. The usual time for response to any clarification queries is one to two weeks.

I must emphasise that this does not mean I will accept new evidence. In the interests of fairness to other parties, I cannot accept any new evidence other than in exceptional circumstances. If the Parish Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest it is sent to the local planning authority in the first instance for their advice on this point.

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

If I find that there are significant issues which may prevent the 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 to proceed can be considered. Whilst this situation can usually be dealt with through an exchange of correspondence, if it would be helpful to hold a meeting between the local planning authority, the Parish Council and I together with any other relevant organisations or individuals, 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, be held virtually.

5. 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 my visit unheeded.

6. Examination timetable

The main determinants of how long the examination will take are firstly 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.

7. The need for a hearing

I am proceeding on the basis that this examination can be conducted without the need for a hearing as this is the 'default' position. 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.

If I feel a hearing is necessary, I will let you know as early as possible. If I do intend to hold a hearing, I will let you know about procedure and will be in touch to make suitable arrangements at that time.

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

In present circumstances it is likely that any meetings or hearings would be carried out remotely.

8. The 'Fact Check' stage

A confidential draft of my report will be sent to the local planning authority and Parish Council to allow an opportunity for 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 to me. A period of a week or so is usually set aside for this purpose.

I usually find it 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.

9. Procedural questions

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

Ann Skippers MRTPI
Independent Examiner
Director, Ann Skippers Planning

[Ends]

2. E-mail from Examiner dated 14 March 2022 - Examination update and questions for Parish and District Council

From: Ann Skippers
To: Paul Bryant (BMSDC)
Dated: 14 March 2022
Subject: Questions on the Little Cornard NP - Examination Stage

Dear Paul,

I had very much hoped to send you the fact check version of my report on the above neighbourhood plan today. I appreciate that the examination has been subject to considerable delay at my end for which I sincerely apologise.

The only outstanding matter from my point of view was the site visit which I carried out today.

This has resulted in a query in relation to the barns proposed for designation as non-designated heritage assets.

Please could I have more detailed maps/plans which show each of the barns and their curtilages proposed for designation? I can see a general location and position from the information in the Plan, but many of the locations contained a number of barns. I therefore consider, in the interests of clarity, that the assets need to be specifically identified on a map base with a short description of their heritage merits/most important features etc. Please send me the criteria used for the proposed designations or confirm that the selection relied on the advice given by Historic England. It would also be helpful to identify those which already fall within the curtilage of any listed buildings to enable you to inform me as to whether they would be listed by virtue of being curtilage buildings and then (if appropriate) to understand what the benefit would be to designate such barns as non-designated heritage assets if they are already covered by a listing. I would be grateful for comments on this aspect. Finally, I'd be grateful if the Parish Council could please confirm that owners have been informed as part of the work carried out on the Plan to date.

It is my intention to recommend modifications to Policies LC05 and LC06. I suggest that Policy LC05 deals with agricultural buildings generally and that Policy LC06 identifies non-designated heritage assets and how they might be considered in relation to development proposals. I do not consider these modifications would be significant but would welcome any comments on this proposed course of action from the LPA and the PC at this stage.

Whilst writing could I also please check with you whether the planning permission referred to in paragraph 2.14 on page 8 of the Plan is extant? The reference given in the Plan is B/15/00813. I was going to do this as part of the fact check stage but given there is now a more substantive query, it seems best to deal with this matter now too.

I know that you have annual leave soon and that I am asking for maps/plans which could take some time to produce. Please could you come back to me by close of business on Friday 8 April. However, if the parties are able to complete the additional work earlier, this would be appreciated.

I would like to reassure you and the Parish Council, given the delay with the examination, and confirm that once I receive this information from you, the examination can be concluded quickly as there are now no other outstanding matters from my perspective.

This email will be a matter of public record. I anticipate you will forward this onto the Parish Councils and their representatives as soon as you can.

Please let me know if any queries arise.

With many thanks for your assistance,

Ann Skippers MRTPI
Independent Examiner
Director, Ann Skippers Planning

[BDC Note: This e-mail was forwarded to Little Cornard Parish Council as requested on the date of receipt]

[Ends]

3. E-mail to Examiner dated 5 April 2022 – Response to questions for Parish and District Council

From: Paul Bryant (BMSDC)
To: Ann Skippers
Cc: Little Cornard Parish Council; Chris Bowden (Navigus Planning)
Dated: 5 April 2022
Subject: Response to Questions on the Little Cornard NP - Examination Stage

Dear Ann, (All)

Your e-mail dated 14 March refers.

As requested, your questions were shared with the parish council and, in response to your query relating to the barns proposed for designation as non-designated heritage assets, I have received the following reply:

“Having reviewed the barns proposed for designation as NDHAs in Policy LCO5(B), the Neighbourhood Plan Group is unable to present any further evidence regarding their heritage merits / most important features. It has identified that most of the barns are within the curtilage of listed buildings and therefore have the protection afforded by that status.

The Group has concluded that Policy LCO5(A) provides the necessary level of protection for heritage barns and out-buildings in the parish. Therefore, notwithstanding the amendments to Policies LCO5 and LCO6 that the Examiner intends to make, clause B of Policy LCO5 and the supporting text in paragraphs 5.3-5.4, Table 1 and Figure 11 could be removed. Subsequent amendments would need to be made to Policy LCO6(A) and paragraph 5.7 deleted as well.”

If you are minded to accept the proposal, the only comment the district council would wish to add is that a consequential modification to the Policies Map may also be needed as this too identifies the same eight barns / out-buildings.

You also enquired about the planning permission referred to in paragraph 2.14 on page 8 of the Plan, which has the reference number B/15/00813. In short, the permission is still valid, but it has not yet been completed.

Following the grant of planning permission in March 2016 there have been various discharges of conditions and also the submission and subsequent approval of other non-material amendments to the original proposal resulting in a delayed start on site. However, as you may have seen from your site visit to the parish, development is now underway with the parish council reporting that both the piling and foundations are now in place.

We trust that the above responses are helpful and await your further instruction.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC