

# How examiners work and pioneering/noteworthy policies in Submission Draft Neighbourhood Plans

Jill Kingaby BSc (Econ) MSc MRTPI

Neighbourhood Plan Examiner/

Former Government Planning Inspector

Intelligent Plans and Examination (IPE) Ltd

# The Independent Examiner

The person appointed to examine a Neighbourhood Plan must be:

- Independent of the qualifying body and local authority;
- Not have an interest in any land that may be affected by the Plan; and
- Have appropriate qualifications and experience.

Paragraph 7 of Schedule 4B of the Town and Country Planning Act 1990 (as applied to Neighbourhood Plans by Section 38C(5) of the Planning and Compulsory Purchase Act 2004).

Qualifying Body = A Parish or Town Council, or Neighbourhood Forum.

# Assessing My Independence and Suitability

- Proposed for examinations by Intelligent Plans and Examinations (IPE) Limited;
- Suitability dependent on location of the Neighbourhood Plan area (in relation to where I have lived and worked etc);
- My qualifications and experience – Chartered town planner and former Government Planning Inspector: and
- Adherence to the Franks Principles: Openness, Fairness and Impartiality.

# Legal Requirements for the Examination

The Examiner must consider:

- Whether the submitted Neighbourhood Plan meets the Basic Conditions;
- Whether the Plan complies with procedural provisions under Sections 38A & 38B of the Planning and Compulsory Purchase Act 2004, as amended;
- Whether the Plan is compatible with the Human Rights Convention; and
- Matters prescribed in the Neighbourhood Planning (General) Regulations 2012, as amended.

## The Basic Conditions

As in paragraph 8(2) of Schedule 4B to the 1990 Act.

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach EU regulations; and
- Meet prescribed conditions and comply with prescribed matters.

One 'prescribed condition' in Reg 32 of the 2012 Neighbourhood Planning Regulations, requires:

That the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

# Examiner's Role

To produce a report and make recommendations either :

- To submit the Neighbourhood Plan to a referendum without any changes;
- To modify the Neighbourhood Plan in specified ways, and submit the modified Plan to a referendum; or
- Not to put the Neighbourhood Plan to a referendum, as it does not meet the Basic Conditions and legal requirements.

# Examiner's Preparatory Work

Critical reading of the following documents (with the Basic Conditions and legal requirements in mind):

- Submitted Neighbourhood Plan;
- The Basic Conditions' statement;
- The Consultation Statement;
- All representations made in accordance with Regulation 16;
- Reports related to Strategic Environmental Assessment and Habitats Regulations Assessment; and
- Evidence that human rights would not be breached by the Plan.

Also, the Examiner must read the strategic policies in the Local Plan for the area. Examinations within London will require reading of the London Plan.

Examinations within areas where the Local Plan is dated require emerging draft Local Plan policies to be read.

Locate and check the map which defines the Neighbourhood Plan area.

## Follow-up Steps

- Decide whether hearing sessions would be required (only by exception);
- Write to the Qualifying Body and local planning authority, asking for clarification of the Plan's policies or content, if necessary;
- Write to the Qualifying Body and local planning authority, asking for comment on concerns as to the Plan's compliance with legal requirements, if necessary.
- The need for this may have arisen from Regulation 16 consultation responses raising potential problems with the submitted Plan;
- Carry out a site visit.

# Report Writing

- Comment on all the policies in the submitted Neighbourhood Plan and their compliance with the Basic Conditions and legal requirements;
- Put forward specific modifications to the wording of policies and text where the Basic Conditions and legal requirements are not met;
- Assess the structure, clarity and coverage of submitted Plans, as they are potential development plan documents;
- Give clear reasoning for all conclusions reached;
- Submit (via IPE) the Examiner's draft report to the local planning authority and Qualifying Body for a fact check;
- Finalise the report for IPE to send to the local planning authority and Qualifying Body.

# **Pioneering Policies (or Noteworthy Policies) in Neighbourhood Plans**

# Longwick-cum-Ilmer

## 1. Policy A2: New Housing Allocations

Allocates 6 sites for some 300 new homes to give “*a significantly higher delivery of housing in Longwick than has been seen in the last 10 years or more*”.

Requires new development to contribute to sustainable transport for the village.

## 2. Policy A3: Retaining Longwick Village’s Distinct Rural Identity

To ensure the future separation of Longwick from Princes Risborough, the green gap south of Lower Icknield Way is to be maintained.

## 3. Policy A4: Local Green Space Designations

Designations are made at Longswick playing field, and Owlswick village green.

## 4. Policies L1 to L6

These set out the “*principles for development*” on each of the six sites and are accompanied by layout plans for illustrative purposes.

## 5. Chapter 7 Implementation, with table of Improvements sought for the Plan area.

# Knightsbridge Neighbourhood Plan

## Policy KBR34: Healthy Air

- A. Development should not damage the health of the air by increasing emissions ...
- B. Development should comply at least with all minimum EU or UK environmental requirements ....
- C. All development must aim to be at least '*air quality neutral*' and not cause or contribute to worsening air quality .....

Supporting text explains that the Knightsbridge Neighbourhood Plan aims to be an exemplar in sustainable city living.

**Appendix B to the Knightsbridge Neighbourhood Plan** – Transforming our World: the 2030 Agenda for Sustainable Development (17 goals set by the United Nations).

# Altrincham Town Centre Neighbourhood Business Plan 2015 to 2030

Why was the Plan needed?

Paragraph 1.2.1 - Three factors came together in 2008 which had a significant negative impact on the role of High Streets across the UK:

- **The development of major out of town shopping centres and retail parks with plentiful free car parking.**
- **The banking crisis leading to recession and austerity which affected consumer spending, resulting in the closure of High Street outlets and a rise in vacancy rates.**
- **Rapid development of the internet and on-line shopping.**

Policy 'S' – Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages

Policy 'R' – New Retail Development

Policy 'H' - Town Centre Housing

Policy 'DIG 1' – The Digital High Street

Policy 'D' – Design and Quality, and Policy 'G' – Green Infrastructure

Non-Statutory Annex to the Neighbourhood Business Plan

# A Plan for Highgate – Highgate Neighbourhood Plan

## Open Spaces – Policies OS1 – OS4

- Vistas from and to Highgate's Major Open Spaces
- Protection of Trees and Mature Vegetation
- Local Green Space
- Biodiversity and Ecological Corridors
- Related 'open space and public realm' actions.

Continued

## A Plan for Highgate – Highgate Neighbourhood Plan

### Development and Heritage

Much of the Highgate Neighbourhood Plan area is covered by 3 Conservation Areas. Conservation Area and Management Appraisals (CAMPs) prepared by Camden and Haringey Borough Councils underpin the Plan's policies.

Stringent and detailed policies ranging from the promotion of good design for roofs and roofscapes to basement developments.

Support for Article 4 Directions to remove permitted development rights which enable incongruent replacement windows and doors, and the removal of front garden walls.

Support for Areas of Special Control of Advertisements.

Related non-statutory 'Development and Heritage' actions. These are included in the Infrastructure Project Table in section 5.

# Beeston, Tiverton and Tilstone Fearnall Neighbourhood Development Plan

Two rural parishes produced a joint Neighbourhood Plan.

Neighbourhood Plan area includes a corridor that carries the Chester to Crewe railway line, Shropshire Union Canal and River Gowy.

Beeston Mount and Castle is a Scheduled Ancient Monument and visitor attraction managed by English Heritage.

Protection of historic and environmental assets, recognising their value for tourism and local businesses, as well as the benefits from protection to the environment and local community.  
Relevant policies:

**Policy NE1: Beeston Castle   Policy NE2: Waterways**

**Policy NE3: Footpaths (the Sandstone Trail is included)   Policy NE4: Views   Policy NE5: Stiles**

**Policy NE6: Tree Planting   Policy NE7: Hedgerows Policy   NE8: Ponds Policy   NE9: Dark Skies**

**Appendix 2 – Report of Cheshire Wildlife Trust**

Identifies the natural assets of the area – landscape character and ecological network. Makes recommendations for improving and protecting the habitat of the area.

## The Historic Environment – Positive features in Neighbourhood Plans

Designated heritage assets – great weight is attached to their conservation.

Neighbourhood Plans should (ideally) describe and map all such local assets.

Neighbourhood Plans can also identify non-designated assets (See revised NPPF paragraph 197).

Qualifying Bodies should liaise with local planning authorities and other bodies when developing policies for heritage assets:

- County Council's or local authority's Historic Environment Record or Local List may assist with defining assets;
- Policies in a Neighbourhood Plan should not conflict with or duplicate policies in the area's Local Plan, but may reinforce their application at the neighbourhood level;
- Neighbourhood Plans can set out actions and aspirations which go beyond the scope of planning policy, but would support the policies of conservation and enhancement of the historic environment.

# Questions?