

# INDEPENDENT EXAMINATION OF THE MALVERN TOWN NEIGHBOURHOOD DEVELOPMENT PLAN

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

To Malvern Town Council and Malvern Hills District Council  
(By email to Linda Blake, Town Council Clerk and David Clarke, District Council  
Planning Officer, with copies to Andrew Ford and Clare Lawrence)

Dated 15 November 2018

Dear Linda and David

## **Malvern Town Neighbourhood Development Plan Independent Examination**

Further to my appointment to undertake the Independent Examination of the Malvern Town Neighbourhood Development Plan I am writing to clarify how I will conduct the examination.

### 1. Communications

It is essential that the examination process is open and transparent to all interested parties. I would be grateful if Malvern Hills District Council and Malvern Town Council could publish this email on their respective websites. I will address all future communication to the District Council and send a copy to the Town Council. It would be helpful if the Town Council could channel all communication to me through the District Council, and that, when writing to me, the District Council sends a copy to the Town Council.

### 2. Examination documents

The District Council has confirmed that a hard copy of the Submission Plan and supporting documents has been posted to me.

The District Council has confirmed the Regulation 16 period for representations commenced on Friday 9 November 2018 and will close at 5.00pm on Friday 21 December 2018. The District Council will provide me with a copy of all representations received during that period. The District Council should publish all representations received on their website. The independent examination will formally commence when I have received copies of all of the representations which I anticipate will be no later than 4 January 2019.

I am providing an opportunity for Malvern Town Council to comment on the representations of other parties. There is no obligation on the Town 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 Town Council should submit any comments to me no later than 18 January 2018. The Town 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 Town Council comments should be published on the District Council website. Town Council comments must not include new evidence.

The District Council has confirmed what currently comprises the Development Plan, and is sending me a document that confirms what are regarded by the Local Planning Authority as the strategic policies of the Development Plan that apply in the Malvern Town Neighbourhood Area.

I have looked briefly at the Submission Plan documents online. 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 Town 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. Habitats Regulations Assessment Screening Report

The Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report in respect of the Malvern Hills Neighbourhood Development Plan is dated September 2017. The Screening Report was prepared prior to 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 the Court of Justice (Second Chamber) judgement of 25 July 2018 *Grace, Sweetman, and National Planning Appeals Board Ireland* (ECLI:EU:C2018:593). I have noted the District Council has published on its website a "District Council review of the HRA Screening Opinion in light of the Sweetman rulings".

### 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 the District Council, copying in the Town Council. I will request any response is agreed as a joint response of the Town and District Councils. Any request for clarification and any response should be published on the District 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 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 around the beginning of February 2019 I will be able to send a confidential draft of my report to the District Council and the Town 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.

#### 8. Procedural questions

I would be pleased to address any questions relating to the examination process that the District Council or the Town Council may have.

I would be grateful if both the District Council and the Town Council could confirm receipt of this email.

Regards  
Chris Collison

Independent Examiner  
Planning and Management Ltd  
[REDACTED]