

# INDEPENDENT EXAMINATION OF THE HALLOW NEIGHBOURHOOD DEVELOPMENT PLAN

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

To Malvern Hills District Council and Hallow Parish Council

By email to David Clarke, Planning Officer, Malvern Hills District Council and Hazel Kemshall, Chair Hallow Parish Council and Chair NP Steering Group

Dated 2 March 2021

Dear Hazel and David

## **Hallow Neighbourhood Development Plan Independent Examination – Examiner Initial Letter**

Further to my appointment to undertake the Independent Examination of the Hallow Neighbourhood Development Plan I am writing to clarify how I will conduct the examination which will formally commence today.

### 1. Communications

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

### 2. National Planning Policy Framework and Planning Practice Guidance

The most recent National Planning Policy Framework was published on 19 June 2019. The Planning Practice Guidance was most recently updated on 8 February 2021. Both the Framework and Guidance could be further revised or updated during the Independent Examination. As a point of clarification, I confirm it is my intention to undertake the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.

### 3. Examination documents

The District Council has provided me with access to the main submission Neighbourhood Plan documents, and has sent me copies of the Regulation 16 representations received during the publicity period.

The Regulation 16 representations and any other documents that may be sent to me throughout the Independent Examination, should be made available for

inspection by interested parties. This is best achieved through publication on the District Council website.

I have looked at the main submission Neighbourhood Plan documents. 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 Neighbourhood Plan meeting the Basic Conditions and other requirements, that cannot be addressed through modifications, I will notify you during the examination.

The District Council has advised me what are regarded as the strategic policies of the Development Plan applying in the Neighbourhood Area.

I am providing the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. There is no obligation on the Parish Council to offer any comments but this opportunity can prove particularly helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. I request the Parish Council should submit any comments to the District Council, no later than noon on Tuesday 16 March 2021. The Parish Council may, at an earlier date, submit its comments, or confirm it does not intend to submit any comments on the representations. The District Council should forward any Parish Council comments to me, and any comments should be published on the District Council website. Any Parish Council comments must not include new evidence.

#### 4. Independence

From my initial review of the main Neighbourhood 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.

#### 5. Visit to the Neighbourhood Plan area

After I have thoroughly reviewed the Neighbourhood Plan documents, representations, and any comments of the Parish Council, I will decide whether or not to visit the plan area to assist me in understanding the nature of the Neighbourhood Plan and points made in representations or comments, and help me decide if there are any issues to be clarified. I will base my decision whether or not a visit to the plan area is required or necessary in line with the Ministerial Written Statement HCWS235 issued by the Secretary of State for the Ministry of Housing, Communities and Local Government made on 13 May 2020. Any visit I may make to the plan area would be on an unaccompanied basis as it is important that there should be no perception that I have heard additional representations. The timing of any visit may be affected by other advice or directive issued by Her Majesty's Government in respect of the Coronavirus (COVID-19) pandemic.

#### 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 and send a copy to the Parish Council. I will request any response is agreed as a joint response of the District Council and the Parish Council if at all possible. 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 an examination will take are: the number and complexity of the Neighbourhood Plan policies; the clarity of supporting evidence; and the number and nature of representations. Assuming a hearing will not be necessary, and that the need for me to request clarification of any matters will not cause undue delay, I anticipate that during April 2021 I will be able to send a confidential draft of my report to the District Council and the 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. This indicative timetable may be affected by a delay in me undertaking a visit to the plan area as indicated above.

I should be grateful if both the District Council and the Parish Council could confirm in writing that they are willing to participate in the fact check of my emerging draft report on the terms indicated.

#### 8. Procedural questions

A guide to Independent Examinations can be found at <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/regulation/drs/drs-services/npiers-planning-guidance-to-service-users-and-examiners-rics.pdf> I would be pleased to address any questions relating to the examination process that the District Council or the Parish Council may have.

I should be grateful if the District Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison  
Independent Examiner  
Planning and Management Ltd  
