

18. Appointing an Independent Examiner for the Chapel-en-le-Frith Neighbourhood Plan (BJT/A.6101)

Purpose of the report

1. For members to support the officer assessment and recommendation for an independent examiner to conduct the examination into the Chapel-en-le-Frith Neighbourhood Plan.

Recommendation

That:

1. **Members support the officer recommendation at paragraph 9 and Appendix 1 that the preferred choice of Inspector to conduct the examination into the Chapel-en-le-Frith Neighbourhood Plan is Janet Cheesley;**
2. **Delegated authority is granted to the Director of Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any changes to this decision if there is no agreement between the Authority, High Peak Borough Council and the Parish Council**

How does this contribute to our policies and legal obligations?

2. This is a legal obligation under the Localism Act 2011.
3. This proposal contributes to Corporate Objective 5: “work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.” A measure of success under this objective is working with communities/ parishes/ villages to support or develop their plans, including neighbourhood plans. If adopted, a neighbourhood plan would form part of the Local Development Plan for the National Park.

Background

4. In August 2014, the Planning Committee agreed (minute ref 106/14):
 - (i) that the ‘examination draft’ Chapel-en-le-Frith Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan; and
 - (ii) subject to the findings of an independent ‘health check’, that the Authority works with High Peak Borough Council to undertake notification, public consultation and examination.
5. Consequently, it is now necessary for the relevant Local Planning authorities (in this case both High Peak Borough Council and the National Park Authority) to appoint an independent examiner with the consent of the Parish Council. If there is no agreement the Secretary of State can make the appointment. The person appointed must be someone who, in the opinion of the person making the appointment:
 - Is independent of the qualifying body and the authority;
 - Does not have an interest in any land that may be affected by the draft neighbourhood plan; and
 - Has appropriate qualifications and experience.

6. **Proposal**

Three possible candidates registered to the Neighbourhood Planning Examiner Panel have indicated that they would be suitable to undertake the examination. High Peak Borough Council, the National Park Authority and Chapel-en-le-Frith Parish Council must now agree and choose the examiner. The agreed method has been to approach this task independently in the first instance scoring each candidate against a pro-forma. The individual scores will then be considered by all parties in order to reach an overall decision.

7. The particular circumstances of this area have been factored into a common scoring method with the criteria set out as follows:

Requested skills and experience:

- RTPI membership
- Experience of National Parks
- Policy making and development skills
- Landscape character knowledge
- Rural and countryside issues knowledge
- Overall added value (e.g. direct experience or other relevant issue from CV/ submission)

8. The outcome of the assessment is set out at Appendix 1 and identifies the preferred candidate as Janet Cheesley.

9. At this stage in the process this is purely the recommendation of the National Park Authority. It will then be necessary to gain overall agreement on the candidate between all three parties. If further negotiation is needed, e.g. if the preferred candidate dropped out, it may be necessary to finalise the view of the National Park Authority by delegating authority to the Director of Planning in consultation with the Chair and Vice Chair of Planning Committee. This will ensure speedier decision making and allow the process to continue without unnecessary delay.

10. **Are there any corporate implications members should be concerned about?**

Financial

11. It is the responsibility of the local planning authorities to pay for the cost of the examination so it is in the interests of the authority to ensure that the proposed plan meets the legal requirements. Grant is available from the Government as neighbourhood plans pass key stages in the process. It is not yet known what the cost of the examination and referendum are likely to be, however it is unlikely to be more than the level of grant provided.

12. **Risk Management**

None

13. **Sustainability**

None

14. **Consultees**

Director of Planning,

Background papers (not previously published)

None

Appendices

Appendix 1 – Candidate assessment (NPA) scoring for recruitment of independent examiner

Report Author and Job Title

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