

16. BRADWELL NEIGHBOURHOOD PLAN EXAMINATION

Purpose of the report

1. For members to agree to the actions necessary to undertake Bradwell Neighbourhood Plan examination, including to support the preferred choice of independent examiner.

Key Issue

2. In order to progress Bradwell Neighbourhood Plan through independent examination, as prescribed by Schedule 4B (para 7) of the Town and Country Planning Act 1990, and Regulation 17 of the Neighbourhood Planning (General) Regulations 2012, members must agree to the appointment of an independent examiner and to the making of any arrangements that are necessary for the holding of the examination.

Recommendation

That:

3.
 1. **Members support the officer recommendation at paragraph 9 that the preferred choice of Inspector to conduct the examination into Bradwell Neighbourhood Plan is Nigel McGurk;**
 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 necessary.**
 3. **Delegated authority is granted to the Director of Planning to undertake arrangements appropriate to the holding of the examination.**

How does this contribute to our policies and legal obligations?

4. This is a legal obligation under the Localism Act 2011.

It contributes to the following Corporate Objectives:

4. Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.
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.

Background

5. On 16 January 2015, members of the Planning Committee agreed:
 - (i) that the draft (31 December 2014) Bradwell Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan; and
 - (ii) that following confirmation of these criteria that the Authority undertakes statutory notification, public consultation and examination of Bradwell Neighbourhood Plan; and

- (iii) alongside these processes consultation may be undertaken with Natural England, English Heritage and the Environment Agency with regard to the 'Habitats Regulations Assessment screening statement' and the 'Strategic Environmental Assessment screening statement';
6. In agreeing the above recommendations, Para 7(1) (a) and (b) of Schedule 4B of the 1990 Town and County Planning Act applies and the Authority must now:
- submit for independent examination the draft neighbourhood development order, and other prescribed documents
 - make such arrangements as it considers appropriate in connection with the holding of the examination.
 - appoint a person to carry out the examination, but only if the qualifying body consents to the appointment.
7. Para 7(6)(a)(b)(c) of Schedule 4B of the Town and County Planning Act 1990 states that 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 order
 - has appropriate qualifications and experience

Proposal

8. The Authority, and Bradwell Parish Council have collaborated in the process of selecting an examiner, by jointly:
- Agreeing to use the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) <http://www.rics.org/us/join/member-accreditations-list/dispute-resolution-service/neighbourhood-planning-independent-examiner-referral-service-npiers/>. The service is managed by the Royal Institute of Chartered Surveyors and provides quick and easy access to impartial and highly qualified examiners on an 'as needed' basis.
 - Agreeing the selection criteria. (These are: RTPI membership and knowledge, skills and experience of neighbourhood planning examinations, policy making and development, affordable housing and economy, issues facing rural communities and policy making in the context of a national park.)
 - Agreeing the system for scoring and selecting the preferred candidate.
9. Four candidates registered with NPIERS applied to undertake the Bradwell Neighbourhood Plan examination. Bradwell Parish Council and the Village and Communities Officer independently scored each candidate against the agreed criteria, and then met to discuss findings. The outcome is that the agreed preferred candidate is Nigel McGurk. Mr. McGurk meets the criteria prescribed by Para 7(6)(a)(b)(c) of Schedule 4B of the Town and County Planning Act 1990, is one of the most experienced neighbourhood planning examiners in the country, and has confirmed that he is available to undertake the examination at the end of May/beginning of June to accord with the Parish Council's and the Authority's preferred timetable.

Are there any corporate implications members should be concerned about?

Financial

10. It is the responsibility of the Authority to pay for the examination. All examiners recruited using NPIERS charge £750/day + VAT + expenses. It is estimated that the examination will take between 2-6 days. As a general rule examination is by written representations. However, oral representations must be heard, in public, if the examiner considers they are needed to ensure adequate examination of an issue or for a person to have a fair chance to put a case.
11. The plan will be submitted for examination after the end of the statutory consultation on 30 April. At this point, the Authority can claim £20,000 'extra burdens' funding from the Department of Communities and Local Government.

Risk Management

12. None

Sustainability

13. None

Consultees

14. Director of Planning

Background papers (not previously published)

15. None

Report Author, Job Title and Publication Date

Adele Metcalfe, Village & Communities Officer, 9 April 2015