

Newport, Quendon and Rickling Neighbourhood Plan 2018 - 2031

Initial Comments of the Independent Examiner

Prepared by

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6th November 2019

Introduction

1. As you will be aware I have been appointed to carry out the examination of this Neighbourhood Plan. I have not reviewed all the documents yet and I intend, making my site visit to the plan area next week.
2. Before going too far with this examination, I need to address one fundamental matter and that is the status of the Qualifying Body – which is central to the neighbourhood planning legislation.
3. The submitted Basic Conditions Statement refers, in paragraph 1.2, to the plan being “prepared by the Newport Parish Council and Quendon and Rickling Parish Council, which are the qualifying bodies for the area covering the two parishes, as designated by Uttlesford District Council on 16th February 2017”
4. **I need to firmly establish at this early stage whether Newport Parish Council is to act as Qualifying Body and that Quendon and Rickling PC explicitly consents to that or whether it is the other way around.**
5. For background, I set out my reason why this is a matter of consequence. The relevant section of the legislation is Schedule 10 of the Localism Act which inserted a new Section 61F of the Town and Country Planning Act 1990. Section (1) authorises *a parish council* to act in relation to a neighbourhood area (i.e. an area the subject of a neighbourhood plan). Section (2) deals with the situation where the plan covers the whole or part of *another* parish council area, if *the* parish council is authorised *for those purposes* to act in relation to that neighbourhood area if *that* parish council has given their consent. The italicised words are my emphasis.
6. Throughout the legislation, the term Qualifying Body is mentioned in the singular and it does not therefore provide for having Joint Qualifying Bodies for a single neighbourhood area. That would make sense, if for example, a decision was taken by one of the joint qualifying bodies to withdraw the plan - what would be the status of the plan which covered the whole area?
7. Whilst I, as an examiner, need to be satisfied on these matters, it is also incumbent upon Uttlesford District Council to address the question set by Paragraph 6(2) (a) of Schedule 4B of the Town and Country Planning Act 1990 namely “whether the qualifying body is authorised for the purposes of a neighbourhood development plan to act in relation to the neighbourhood area concerned as a result of Section 61F.” I consider that this is a matter that needs to be expressly considered by Uttlesford District Council.
8. On another procedural matter, I note that in the SEA Screening Determination document in relation to the HRA screening, Section 7.2 refers to the conclusion in the document being a preliminary view. Now that Uttlesford District Council has received Natural England’s views, can it confirm to me, its final screening decision. This is a minor point but it relates to one of the Basic Conditions, hence I need clarity.

Concluding Remarks

9. Once we have resolved these matters, I can then move on to address more substantive, rather than these procedural and technical issues relating to the neighbourhood plan. However, it is important to address this fundamental issue as regard the status of the Qualifying Body before proceeding further.
10. In terms of timescales, I would like to receive responses by Wednesday 20th November 2019, if possible. I would also ask that a copy of this note and responses are placed on the respective websites.

John Slater BA(Hons), DMS, MRTPI.

Independent Examiner of the Newport, Quendon and Rickling Neighbourhood Plan

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