

Elmstead Parish Council Neighbourhood Development Order

Submission Version

Final Report of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS

John Slater Planning Ltd

johnslaterplanning@gmail.com

20th May 2024

Introduction

1. I was formally appointed by Tendring District Council in September 2023, with the agreement of Elmstead Parish Council, to conduct the examination of the Elmstead Neighbourhood Plan and the accompanying Neighbourhood Development Order (NDO). My role is known as Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)
2. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Tendring District Council and Elmstead Parish Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Development Order.
3. On 3rd May 2024 I issued my Final Report on the Neighbourhood Plan which recommended that it should proceed to referendum subject to my recommended modifications.

Initial Findings

4. Following my initial consideration of the Plan and the responses to my Initial Comments document, I decided that it would assist my examination of both the Plan and the Order, to hold a public hearing rather than following the normal route of considering written representations. I set out my reasons in the document entitled Additional Comments of the Independent Examiner, dated 2nd January 2024. It laid out the general matters that I wish to be discussed at the hearing and that was followed up by the publication of my Notes of Public Hearing, which I issued on 8th January 2024.
5. The Hearing took place on 8th February 2024, at Elmstead Community Centre which incidentally was the site which was the subject of the Order. During the hearing, I raised issues related about the proposed development and its car parking and access arrangement, some of which appeared to relate to land beyond the boundary of the proposed Order and were not within the ownership of the Parish Council. There were also issues related to the amount of amenity space to serve up to 9 one and two bed units. The Parish Council asked me for an opportunity to prepare revised plans that could address my reservations.

6. Following the Hearing, I produced a further document entitled Procedural Options for the Hearing, dated 27th March 2024 which looked at the implications of amending the Order. It suggested that the most straight forward option would be for the Parish Council, if it wished to promote a different development to withdraw the submitted Order and re-submit. Alternatively, I set out a second option for views namely whether I could be requested to accept the revised proposal, drawings and documentation as material that I could myself recommend as a modification. I sought the views of both the Parish Council and the District Council on these options. I also asked the District Council for its views as to whether, if this had been a planning application rather than a NDO proposal, such an amendment could be accepted as an amendment or whether a new planning would be required.
7. On 19th April 2024, I was provided with a revised plans and documentation which showed 9 x 1 bed units with a request that I propose these as modification to the Order. The District Council had responded earlier, on 8th May 2024, but had left the issue to me, as examiner, of whether they could be accepted under this examination. It did offer the comment, that they would not have accepted the changes as an amendment to a planning application and would have required a new planning application.
8. Having considered the matter I concluded that it would be inappropriate for me to consider the modified order under the current submission and that it should be the subject of a new NDO proposal. It promotes a different mix of units, a different access point and parking arrangement and would not have been subject to public consultation. I conveyed to the Parish Council my intention to prepare a report on the basis of the original submission and asked whether it wished to withdraw the Order.

The Parish Council's Position

9. I have now been advised that Elmstead Parish Council had considered the matter at its meeting held on 16th May 2024 and it had resolved to withdraw the submitted Order.

The Legal Position

10. Under the terms of Schedule 4B of the Town and Country Planning Act 1990, my examiner's report must recommend that either the submitted order goes to referendum, the order goes to referendum, if modified or should not go forward to referendum.

11. However, following the decision of the Parish Council to withdraw the current version of the Order, then there is now no Order before me, upon which I need to make a final recommendation upon.

Concluding Remarks

12. I hope that the examination process has identified issues that needed to be addressed in the original submission. It is now for the Parish Council to decide whether it still wishes to promote a new, amended Order, based on its latest scheme or whether to submit a planning application, bearing in mind the neighbourhood plan includes a policy to support the residential redevelopment of the community centre site.

13. I would like to thank both the Parish Council, its consultant team and the District Council planners for their assistance with this examination.

14. Following the decision of the Parish Council to withdraw the submitted Neighbourhood Development Order I now formally draw the examination to a close.

John Slater BA(Hons), DMS, MRTPI,

John Slater Planning Ltd

20th May 2024