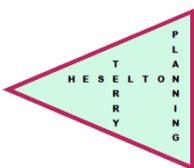


# **Independent Examination of the Wetherby Neighbourhood Plan**

## **Examination Procedure Note**

**Terry Raymond Heselton BA (Hons), Dip TP, MRTPI**

**Independent Examiner**



**Terry Heselton Planning**

**17 June 2019**

I have been appointed by Leeds City Council, with the consent of Wetherby Town Council, to undertake the independent examination of the Wetherby Neighbourhood Development Plan.

My role is to determine whether the Plan meets the 'basic conditions' and other legal requirements, and to recommend whether or not the Plan should proceed to referendum, with or without modifications.

The independent examination will formally commence on Monday 24 June, and will be undertaken in accordance with the guidance to service users and examiners published by NPIERS<sup>1</sup>.

## **1 Examination Documents**

I have received hard copies of the following Submission Plan documents

- Wetherby Neighbourhood Development Plan (Submission Draft)
- Consultation Statement (January 2019)
- Basic Conditions Statement (April 2019) incorporating a Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (January 2017)
- Habitats Regulations Assessment Screening Report Update (April 2019)
- Local Green Space Maps (September 2017)

I also have access to extant and emerging development plan documents covering the Neighbourhood Plan area, including the current development plan policies maps.

Should I require hard copies of other evidence base documents which I cannot access electronically, I will notify Leeds City Council during the course of the examination.

## **2 Representations**

Following the close of the Regulation 16 Publicity period at 5.00 pm on Tuesday 18 June 2019 Leeds City Council are requested to provide me with a copy of all representations received during the Publicity period and publish these on their website.

In line with NPIERS guidance I am providing Wetherby Town Council the opportunity to comment on any representations submitted by other parties at the Regulation 16 Publicity stage, provided such comments do not include new evidence. However I emphasise that there is no obligation on them to make any comments should they not wish to do so.

If I do not receive any comments from the Town Council (forwarded to me via Leeds City Council) within 10 working days after the close of the Regulation 16

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<sup>1</sup> Neighbourhood Planning Independent Examiner Referral Service.

period I will assume the Town Council do not wish to offer any comments and proceed with the examination. Any comments submitted by the Town Council should be published on the City Council's website.

### **3 Late Representations**

The general rule in development plan examinations and inquiries is not to accept late or additional representations unless there exceptional circumstances such as a material change in circumstances since the close of the consultation period.

### **4 The Need for a Hearing**

The default position is for examination of the issues to be undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue (or issues) or to ensure that a person has a fair chance to put a case.

Based on an initial high-level assessment of the relevant documentation, including the Regulation 16 responses, I will provide a preliminary opinion as to whether the examination is to be solely by way of written representations or whether a hearing will be required.

However if I decide to proceed with the examination by way of written representations I will keep the need for a hearing under review as the examination progresses and advise you further should it be necessary to arrange a hearing.

### **5 Visit to the Plan Area**

I intend as part of the examination to visit the neighbourhood plan area in order to better understand the nature of the Plan and the Plan area, including issues raised through representations. This will be undertaken unaccompanied to ensure impartiality unless I require access to private land in which case I will contact the City Council in advance to arrange an accompanied visit.

### **6 Communication during the Examination**

During the course of the examination I will direct any questions or points of clarification which arise to my single point of contact at Leeds City Council, Abbie Miladinovic, who may in certain circumstances need to consult Wetherby Town Council in order to provide a fully considered written response. It would be helpful if all communication/responses from the Town Council could be directed to me via the City Council. In the interests of impartiality I would request that no other party attempts to contact me direct.

### **7 'Fact Checking' stage**

On completion of the examination I will send a confidential draft of my report to Leeds City Council to check whether there are any factual errors such as dates,

sequence of events, names and so on.

The fact check should be undertaken in consultation with Wetherby Town Council, and I emphasise that this is not an opportunity to make further representations.

I would request the City Council to provide a co-ordinated response. Ten working days are normally considered sufficient for this process.

I will endeavour to issue my final report within 5 working days of the receipt of any identified factual errors.

## **8 Openness and Transparency**

It is important that the examination process is open and transparent to all interested parties, and that relevant documentation and correspondence is placed in the public domain. I therefore request that this note and future correspondence between myself and the Council concerning the examination, including any requests for clarification on specific points and the Council's response, should be published on the Council's website.

If further clarification is required about the examination process I would be pleased to address questions raised by any of the parties with a direct interest in the examination.

Terry Heselton BA(Hons), Dip TP, MTRPI

Independent Examiner

17 June 2019