

CHEDDAR NEIGHBOURHOOD PLAN (2001 - 2027)

Guidance and Directions

Timothy Jones, Barrister, FCI Arb,

No 5 Chambers

27th November 2017

Guidance and Directions

1. Sedgemoor District Council, with the agreement of Cheddar Parish Council, has appointed me to examine the submission draft Cheddar Neighbourhood Development Plan 2011-2017 (“the NDP”). I am wholly independent of both councils and to the best of knowledge and belief of all others involved with the NDP, being a planning barrister based in Birmingham. I have no interest in any land in Somerset.

2. The principal purpose of the examination is to consider whether the NDP meets the basic conditions. These are:

(1) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;

(2) the making of the NDP contributes to the achievement of sustainable development;

(3) the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of Sedgemoor District Council (or any part of that area);

(4) the making of the NDP does not breach, and is otherwise compatible with, EU obligations; and

(5) The making of the NDP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects)).

3. I am also required to consider: whether the NDP is compatible with Convention rights as defined in the Human Rights Act 1998; whether the NDP complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Act 2004; and (in certain circumstances) whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates.

4. The normal rule for neighbourhood planning representations is that they are conducted by written representations with any site visit being unaccompanied. A public hearing should be held when the examiner (a) considers that a key issue should be examined in more depth or (b) to ensure a person has a fair chance to put a case. It is up to the examiner to decide who is invited to speak and what issues a hearing covers.

5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible. During an accompanied site visit an examiner should be accompanied by at least one person from each side of any difference in respect of the land being visited or viewed. No evidence is given on a site visit. The place to give evidence was in the consultation response and to the extent allowed, at a public hearing.

6. In order to facilitate this process I am issuing the following directions.
7. The point of contact for all communications with me is The Local Plan Programme Officer Mrs Rachel Boothroyd / Mrs Hannah Evans (Tel 01278 435361, email Programme.Officer@sedgemoor.gov.uk). No communication should be sent directly to me. All communications should be in writing, not by telephone or other oral communication. These will be publicly available documents.
8. I have determined that a public hearing is not required for most of the NDP but is required for:
 - (1) The adequacy and appropriateness of the land allocated for housing – this will include consideration of policies BE2 and BE6 and of the Steart Farm; and
 - (2) Policy EE3 –this will include consideration of the Yeo Valley site.
9. The absence of an issue in the preceding paragraph should not be read an indication that I do not consider it to be important. Rather, it means that I am satisfied that I can deal with it on the basis of the documentation already before me and of my unaccompanied site visit.
10. The public hearing will take place on Friday 12th January 2018 commencing at 10.00am at The Lecture Room, Cheddar Caves, Cheddar Gorge, Cliff Road, Cheddar, Somerset, BS27 3QF. One day will be allowed for this.
11. The following persons will be permitted to speak at the sessions of the public hearing:
 - (1) a single representative of Sedgemoor District Council;
 - (2) a single representative of Cheddar Parish Council;
 - (3) a single representative of Holt Farms Ltd;
 - (4) a single representative of Sainsbury's Supermarkets Ltd;
 - (5) a single representative of Waddeton Park Ltd;
 - (6) Dr Steve Stotesbury or his representative.
12. If any other person wishes to speak on the matters specified in paragraph 9 above, they should notify the contact officer later than 4.00 pm on Tuesday 12th December 2017, saying why they wish to speak and how their contribution may help me carry out my tasks. The identification of specific persons in the previous paragraph does not mean that I have a predisposition not to permit others to speak provided they notify me by the time specified. Applications to speak must be made by the persons concerned or by someone who has express authorisation to make the application on their behalf. It does not help the examination to have several people saying the same thing, nor does it help to have something that has been provided in writing repeated.

13. While I have specified single representatives in paragraph 11 above, I may look favourably on an application (no later than 4.00 pm on Tuesday 12th December 2017) for more than one representative to speak, provided each such person only speaks on a discrete topic or topics and there is no substantial overlap between them.

14. If any participant has any special requirements in terms of access or otherwise they should inform the contact officer no later than 4.00 pm on Tuesday 12th December 2017.

15. If anybody considers that an accompanied site visit is appropriate, they should notify me, c/o the contact officer, in writing no later than 4.00 pm on Tuesday 12th December 2017 stating the exact location or locations at which an accompanied site visit is sought, the reasons why this is sought and who they wish to be present. I shall not enter private land (other than on a public right of way or where members of the general public are otherwise permitted to enter) without the consent of the landowner. During any accompanied site visit I should be accompanied by at least one person from each side of any difference as to the future use of the land being visited or viewed. No evidence will be given or argument advanced on the site visit.

16. If anybody wishes to propose locations for an unaccompanied site visit, this should be done no later than 4.00 pm on Tuesday 12th December 2017.

17. Any person or body that wishes to may submit a list of documents with which they consider I should have seen. This direction only permits submission of a list of documents that have already been submitted in the NDP process. It does not permit further comment or argument. This should be done no later than 4.00 pm on Tuesday 12th December 2017.

18. If any person is proposing any modifications (whether as their primary case or as an alternative submission) it would help if they sent the precise modification sought, including in the case where additional text is proposed exactly where this is to be inserted, to the contact officer, no later than no later than 4.00 pm on Tuesday 12th December 2017.

Timothy Jones, Barrister,
No 5 Chambers

27th November 2017