

## INDEPENDENT EXAMINATION OF THE BEER NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Geoff Pook  
Chair Beer Parish Council

Phil Twamley  
East Devon District Council

Examination Ref: 01/DH/BNP

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23 May 2018

Dear Mr Pook and Mr Twamley

### BEER NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Beer Neighbourhood Plan (NP) for examination, I would like to clarify several initial procedural matters and I also have a small number of preliminary questions for East Devon District Council (LPA) and Beer Parish Council (PC).

#### 1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft NP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

#### 2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area during the week commencing 28<sup>th</sup> May. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

#### 3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing

should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

I have a number of initial questions seeking further clarification from the LPA and PC, which I have set out in the Annex to this letter. I would be grateful if you could provide a written response within three weeks of receipt of this letter.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the NP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks. However, as I have raised a small number of questions I must provide sufficient opportunity to reply. Consequently, the examination timetable may be extended. Please be assured that I will seek to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency may I prevail upon you to ensure that a copy of this letter, and any subsequent responses, are placed on the websites of both the Local Planning Authority and the Parish Council.

Thank you in advance for your assistance.

Your sincerely

*David Hogger*

Examiner

## **ANNEX**

From my initial reading of the Beer Neighbourhood Plan and the supporting evidence I have a small number of questions for East Devon District Council (LPA) and Beer Parish Council (PC). I have requested the submission of responses within three weeks of receipt of this letter but an earlier response would be welcome.

### **Question for the LPA and the PC (1)**

1. On page 48 of the NP it is stated that the District Council has submitted the East Devon Villages Plan to the Secretary of State. My understanding is that this has now been subject to Examination and the Inspector's Report has been published. In the submitted Villages Plan, the built-up area boundary for Beer is that as shown in Figure 8 of the NP (i.e. it excludes land at Short Furlong). However, I note that in its response to the Submission Plan the District Council appears to support an amendment to the boundary to include the potential housing site at Short Furlong.

On page 54 of the NP (penultimate paragraph) it states: 'Our Neighbourhood Plan therefore takes the pragmatic stance of proposing an amendment to the current BUAB to allow Short Furlong to be extended'.

It is not clear to me where the aforementioned boundary amendment is referred to in the NP (other than on page 54) and the boundary, as shown in Figure 8, does not include the potential housing land at Short Furlong.

At this stage, it seems to me that the most appropriate way forward would simply be to redraw the BUAB to include land at Short Furlong but this would not accord with the boundary in the Villages Plan. Could both parties liaise to provide an agreed approach towards providing clarity on this issue?

### **Questions for the PC (5)**

1. Could the Parish Council clarify what is meant by 'large scale' and 'small scale' in policy HBE4?
2. Could the Parish Council confirm how it defines 'on-street' in policy TP2(i)?
3. Policy B2 (vi) refers to preventing an 'oversupply' of same-use retail/employment provision. How would a decision-maker know when the threat of oversupply becomes a pertinent issue for consideration?
4. Could the Parish Council explain: (a) why policy B4 (Shopfronts) requires new or renovated shopfronts to comply with policy HBE1 which relates to the Beer local gap? And (b) what is the safety requirement of Policy HBE2 that is referred to in policy B4?

5. Policy CFS1(1) refers to replacement facilities 'within the area' – what is meant by 'within the area'?