

18 March 2021

Ms Wendy Burden
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Dear Ms Burden

TURVEY NEIGHBOURHOOD PLAN EXAMINATION

We wrote to you on 10th February 2021 highlighting the various concerns associated with the preparation of the Turvey Neighbourhood Plan, discussed at the October 2020, November 2020 and January 2021 Turvey Parish Council meetings. Owing to the lack of transparency in respect of the evidence bases and the decision making process during the preparation of the Neighbourhood Plan, the letter requested that the Examiner progress all, or parts of the examination, by means of a Hearing.

At the time the letter was written, we were under the impression that your letter to the Parish Council and Borough Council, dated 17 December 2020, sought initial matters of clarification only, and we expected that the further examination of the Plan would be considered through Written Representations with Questions posed to all interested parties. The expectation that the examination would proceed by Written Representations is based on Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) which states that "*The general rule that the examination of issues by the examiner is to take the form of the consideration of written representations*". It has however recently been brought to our attention that the examination is to proceed on the basis of the Regulation 16 representations only, and the responses from the Parish Council and Borough Council to the clarification questions. This was not made clear in your letter of 17th December 2020. Given the issues raised, and in light of the discussions which the Parish Council have had since the Regulation 16 consultation, and their recent response to the Examiners clarifications, it is considered that as an absolute minimum the examination of the Plan should be undertaken by Written Representations, albeit a Hearing would be preferred to enable full transparency of the decision making process.

The Parish Council's response to your clarification questions only highlights the need for a Hearing further. In respect of evidence gathered for the Plan making, only that relating to the land at Newton Lane (East), promoted by Richborough Estate, is referred to. The Heritage report in respect of the Carlton Road site, is another evidence document, prepared by a third party; not the Parish Council, nor the site promoter. The response includes comments on the Regulation 14 representations where it is recommended to the Neighbourhood Plan Group to "check why the heritage rating is different between the sites" (Carlton Road and Newton Lane (East)) and that "judgements on valued landscape must be evidenced" and, "on traffic, just ensure that judgements are evidenced". No such evidence has been provided. Most concerning is that statement in response to your question No 2, which comments in respect of the local parking survey that "*Had this information been available to TPC before it considered the draft NDP that went to Regulation 16 it may have prompted some significant changes to the document, including the choice of sites and their suitability.*"



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It is our view that unless your recommendation is that the site selection process should be re-run in a more objective, and evidenced manner, that a Hearing is required to explore the matters further. Without such we are of the opinion that the plan could be open to legal challenge.

Yours sincerely
For and on behalf of Fisher German LLP

