

INDEPENDENT EXAMINATION OF THE UPDATED MARTON VILLAGE NEIGHBOURHOOD PLAN

EXAMINER: Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI

Mr A Simpson
Clerk to Marton Parish Council

Tom Evans
Cheshire East Council

Examination Ref: 01/AF/MVNP

Via email

4 February 2021

Dear Mr Simpson and Mr Evans

UPDATED MARTON VILLAGE NEIGHBOURHOOD PLAN EXAMINATION

Following the submission for examination of the modification proposal to the Marton Village Neighbourhood Plan (the draft Plan), I would like to clarify several initial procedural matters. I also have a small number of preliminary questions for Cheshire East Council (CEC) and Marton Parish Council (MPC).

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the modification proposal, including the draft Plan (as proposed to be modified); the summary of the proposals; the Basic Conditions and Consultation Statements; the Regulation 16 representations; and the statements from CEC and MPC in relation to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

2. Determination under Paragraph 10(1) of Schedule A2

I am required determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

MPC is of the opinion that the changes to the original plan are material modifications but do not change the nature of the plan. This is because the policies have been updated to reflect the changes in the local policy framework and the NPPF. In this regard, the Cheshire East Local Plan Part One was adopted after the original Marton Village Neighbourhood Plan was made; and Part Two of the Local Plan, the draft Site Allocations and Development Policies Document, has since been prepared. Furthermore, the National Planning Policy Framework was updated in 2019.

MPC adds that the neighbourhood plan has been updated to ensure that the policies remain in general conformity with local and national policy and reflect the strategic policies in the Local Plan.

The plan has kept to its original vision with only slight amendment to the original objectives. No sites have been allocated for development.

CEC states that the proposed Modification Plan materially amends and updates policies from the made Marton Village Neighbourhood Development Plan but does not introduce new policies, or alterations to existing policies, that are so significant or substantial that the nature, scope or objectives of the made plan would be changed.

Having assessed all the written documents submitted, including the representations and relevant statements, I am content that the modifications proposed in the draft Plan are material but do not change the nature of the made Plan.

Therefore, the examination can proceed under the terms of Schedule A2 and, as a consequence, should I recommend that the draft Plan be made (with or without examiner modifications), a referendum stage will not be a necessary part of the statutory process.

3. Site Visit

I intend to undertake a site visit to the neighbourhood plan area during the week commencing 15 February subject to the prevailing Government COVID-19 advice at that time. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the draft Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

4. 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 I consider there are exceptional reasons for doing so.

5. Further Clarification

I have a number of initial questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response within **2 weeks** of the date of this letter.

6. Examination Timetable

As you will be aware, the intention is to examine the draft Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan.

As I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will endeavour 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 a copy of this letter and any respective responses, are placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

Andrew Freeman

Examiner

Annex

From my initial reading of the updated Marton Village Neighbourhood Plan and the supporting evidence, I have a small number of questions for CEC and MPC. I have requested the submission of a response within **2 weeks** of the date of this letter.

Question for both Cheshire East Council and Marton Parish Council

1. Please comment of the appropriateness of providing/seeking an indicative housing requirement figure in the context of this neighbourhood plan update.

Questions for Marton Parish Council

2. In certain circumstances, Policy HD1 would be supportive of “residential properties which support a rural business”. This could be interpreted quite widely and include cases outside the scope of Policy PG 6 of the Local Plan Strategy. Is it the intention that the category of property covered by this exemption should be limited to certain types? If so, what?
3. Does Policy PCA1 have appropriate regard to the NPPF (representations of Emery Planning)?