

West Monkton and Cheddon Fitzpaine Revised Neighbourhood Plan Examination Procedural Matters – Formal Determination Note 1

Following the submission of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan 2021 – 2028 (Revised Neighbourhood Plan) for examination, I write to advise you on initial procedural issues.

Initial matters

I confirm receipt of the submission draft revised Neighbourhood Plan (the Plan) and accompanying documents including the statements from the local planning authority and the Parish Councils regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

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).

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

I am required to 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.

In this context, the draft revised Plan intends, amongst other things, to:

- Include new text in relation to the housing, employment and recreation and environment objectives
- In relation to the housing chapter, the four existing policies are revised and a new Policy H5 added
- In relation to the transport chapter, the existing policy is revised
- In relation to the employment chapter, four of the five existing policies are revised
- In relation to the recreation and environment chapter, four of the five existing policies are revised and a new Policy R6 added

Many of the proposed changes to existing policies include new text or rewording to make policies clearer and more precise, reflect factual changes since the original Plan was made or add more detail or more detailed requirements. In relation to Policy R5 (Local Green Spaces), two sites designated as Local Green Spaces are removed and two new sites are proposed for inclusion in the Plan.

In relation to the two new policies proposed, Policy H5 deals with building and climate change

and Policy R6 deals with trees and hedgerows.

The local planning authority, SWT, consider that the proposed modifications to the draft Plan in relation to Policies H2, H5, T1 and E3 are so significant or substantial as to change the nature of the made Plan. The Parish Councils' also consider that some of the proposed modifications are so significant or substantial as to change the nature of the made Plan.

I have considered the proposed modifications, the views of the local planning authority and the Parish Councils and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance. I have no reason to disagree with the views of the local planning authority and qualifying body. Therefore in my assessment, the modifications to the made Plan are so significant or substantial as to change the nature of the made Plan and I formally determine accordingly under paragraph 10(1) of Schedule A2.

Consequently, I consider the examination of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan Review should proceed under the provisions of Schedule 4B to the Town and Country Planning Act 1990 (as amended). In turn, this means a referendum would be required.

Accordingly, I therefore request the formal consent of the qualifying body (in accordance with paragraph 10(5) of Schedule A2) for the examination to proceed under the provisions of Schedule 4B, as set out above.

Subject to receipt of the formal consent of the qualifying body for the examination of the Review Plan to proceed under the provisions of Schedule 4B, I will issue a further procedural letter concerning the arrangements for the examination as well as any questions of clarification or other matters that may arise.

If the local planning authority or Parish Councils have any questions relating to the examination process, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI
Independent examiner
11 April 2022