

NOTE

PROCEDURAL ISSUES – BROADWAY NEIGHBOURHOOD PLAN

The Background

I have been appointed by Wychavon District Council ('the District Council') to undertake an examination of the Broadway Neighbourhood Plan. As part of my initial check of the Neighbourhood Plan, it is prudent to do an analysis of the relevant documentation, prior to conducting a more detailed investigation and appraisal. If there appears to be a patent and potentially fatal flaw in the process it is in everyone's interests that this is raised at an early stage.

The District Council have raised an issue relating to the consideration of a representation made in response to the Regulation 14 consultation on the Neighbourhood Plan. The representation was not included within the list of consultation responses in the submitted Consultation Statement prepared by Broadway Parish Council ('the Parish Council') and submitted to the District Council. Therefore, the consultee (Turley on behalf of Amber Retirement Living – 'Turley') was not included within the list of consultees notified of the subsequent Regulation 16 consultation on the Neighbourhood Plan.

To enable me to consider whether there is a procedural issue that needs to be redressed, I would be grateful if the District Council and the Parish Council would respond to the following questions.

Point 1

The District Council has raised an issue which relates to a Regulation 14 submission by Turley. Turley's Regulation 16 submission can be found on the website.

As I understand it, Turley made representations to the Regulation 14 consultation. The Parish Council has confirmed that the submission was received and duly made during that consultation period. However, there is no reference to Turley or Amber Retirement Living in the Consultation Statement submitted with the Broadway Neighbourhood Plan. This is a requirement specified by Regulation 15.

The District Council and the Parish Council will be aware that Regulation 14 sets out the consultation requirements before submission of a Neighbourhood Plan to the Local Planning Authority.

As Turley's were not included within the Consultation Statement, they were not consulted on the Regulation 16 consultation by Wychavon District Council, albeit they have submitted a representation.

Question to the District Council:

I understand that the District Council is satisfied that the Regulation 14 consultation itself was completed appropriately and aligns with the Regulations. Is this presumption correct?

Point 2

Regulation 15 set out what should be included within a Consultation Statement:

In this Regulation “consultation statement” means a document which—

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;*
- (b) explains how they were consulted;*
- (c) summarises the main issues and concerns raised by the persons consulted; and*
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.*

The Regulations do require that the Parish Council, through the Consultation Statement, demonstrates that the main issues and concerns that were raised during the Regulation 14 consultation were considered by the Parish Council, and where relevant, addressed.

At present I do not have access to the Regulation 14 submissions by Turley.

Questions to the Parish Council:

First, can the Parish Council confirm that it did not consult Turley as part of the Regulation 14 consultation on the Neighbourhood Plan? Can the Parish Council also confirm that it did receive a duly made submission from Turley within the Regulation consultation period?

Secondly, can the Parish Council confirm that the main issues and concerns that were raised by Turley at the Regulation 14 stage were considered by the Parish Council? The Parish Council should set out the issues raised by Turley and direct me to their consideration in the Consultation Statement, and where relevant how they have been addressed. As I have said, I do not have access to Turley’s Regulation 14 submission to address this point directly. It would be helpful for that to be submitted in response to this request.

Edward F Cousins

Examiner

22nd October 2021