

INDEPENDENT EXAMINATION OF THE KIRK LANGLEY NEIGHBOURHOOD
DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
Christopher Collison BA(Hons) MBA MRTPI MIED MCFI IHBC

To Amber Valley Borough Council - by email to Derek Stafford, Assistant Director
(Planning)
and Kirk Langley Parish Council – by email to Margaret Matthews, Clerk to Kirk
Langley Parish Council

Dated 1 April 2020

Dear Margaret and Derek

**Kirk Langley Neighbourhood Development Plan Independent Examination –
Examiner Initial Letter**

Further to my appointment to undertake the Independent Examination of the Kirk
Langley Neighbourhood Development Plan I am writing to clarify how I will conduct
the examination which will formally commence today.

1. Communications

It is essential that the examination process is open and transparent to all
interested parties. I would be grateful if the Borough Council could publish this
email on their website. I will address all future communication to the Borough
Council and send a copy to the Parish Council. It would be helpful if the Parish
Council could channel all communication to me through the Borough Council,
and that, when writing to me, the Borough Council sends a copy to the Parish
Council.

2. National Planning Policy Framework and Planning Practice Guidance

The most recent National Planning Policy Framework was published on 19
June 2019. The Planning Practice Guidance was most recently updated on 1
October 2019. Both the Framework and Guidance could be further revised or
updated during the Independent Examination. As a point of clarification, I
confirm it is my intention to undertake the Independent Examination in the
context of the most recent National Planning Policy Framework and Planning
Practice Guidance.

3. Examination documents

The Borough Council has directed me to its website where I am able to view
electronic copies of the submission Neighbourhood Plan documents, and each
of the Regulation 16 representations received during the publicity period. I have
access to other relevant documents published on the Borough Council and
Parish Council websites.

Any other documents that may be sent to me throughout the Independent Examination, should be available for inspection by interested parties. This is best achieved through publication on the Borough Council website.

I have looked at the submission Neighbourhood Plan documents. Subject to my later detailed assessment I have not identified any obvious fundamental flaws in the submission documents that would lead me to advise the examination should not proceed. If I find that there are significant issues which may prevent the Neighbourhood Plan meeting the Basic Conditions and other requirements, that cannot be addressed through modifications, I will notify you during the examination.

The Borough Council have advised me what are regarded as the strategic policies of the Development Plan applying in the Neighbourhood Area.

I am providing the Parish Council with an opportunity to comment on the representations of other parties. There is no obligation on the Parish Council to offer any comments but this opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. I request the Parish Council should submit any comments to the Borough Council, no later than noon on Thursday 16 April 2020. The Parish Council may, at an earlier date, submit its comments, or confirm it does not intend to submit any comments on the representations. The Borough Council should forward any Parish Council comments to me, and any comments should be published on the Borough Council website. Parish Council comments must not include new evidence.

4. Independence

From my initial review of the Neighbourhood Plan documents it would appear that there are no conflicts of interest that would call into question my independent status. I will keep that matter under review throughout the examination.

5. Visit to the Neighbourhood Plan area

After I have thoroughly reviewed the Neighbourhood Plan documents, representations, and any comments of the Parish Council, I intend to visit the plan area as this will assist me in understanding the nature of the Neighbourhood Plan and points made in representations or comments, and help me decide if there are any issues to be clarified. I will undertake this visit on an unaccompanied basis as it is important that there should be no perception that I have heard additional representations. The timing of the visit may be affected by any advice or directive issued by Her Majesty's Government in respect of the Coronavirus (COVID-19) pandemic.

6. Clarification procedure

I may at any time during the Independent Examination seek written clarification of any matters that I consider necessary. I will direct any request for clarification

to the Borough Council and send a copy to the Parish Council. I will request any response is agreed as a joint response of the Borough Council and the Parish Council if at all possible. Any request for clarification and any response should be published on the Borough Council website.

I am proceeding on the basis that the examination can be concluded without the need for a hearing. At any time before I issue my final report, I may call a hearing if I consider this is necessary to ensure adequate examination of any issue, or to allow a person a fair chance to put a case.

7. Examination timetable

The main determinants of how long the examination will take are: the number and complexity of the Neighbourhood Plan policies; the clarity of supporting evidence; and the number and nature of representations. Assuming a hearing will not be necessary, and that the need for me to request clarification of any matters will not cause undue delay, I anticipate that no later than June 2020 I will be able to send a confidential draft of my report to the Borough Council and the Parish Council to allow an opportunity to check whether there are any factual errors. This will not be an opportunity for any further representations to be made. This indicative timetable may be affected by a delay in me undertaking a visit to the plan area as indicated above.

8. Procedural questions

A guide to Independent Examinations can be found at <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/regulation/drs/drs-services/npiers-planning-guidance-to-service-users-and-examiners-rics.pdf> I would be pleased to address any questions relating to the examination process that the Borough Council or the Parish Council may have.

I should be grateful if the Borough Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
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