

16.07.2024

Dear Mr Lucas

Thank you for your letter of 10 July.

Attached is a copy of my most recent letter to the Forum and the Council, following their responses to my letter of 12 June. This is self-explanatory, and you will find that it addresses a number of the issues you raise. I would, however, add a couple of comments by way of further explanation.

The first deals with your concern about representation at the informal meeting, should one take place. To the best of my knowledge, there is no official guidance on this, the matter being left to the examiner's discretion. In this case, I am satisfied that I have, or would have, enough comment in the written representations to ensure that my exploration of the procedural issues will be fair and thorough.

The second concern you have is essentially about the constitution of the Forum, allied to their approach to keeping the wider community informed of their activities. An examiner certainly has to consider, at the appropriate time, whether or not the requirements of Regulations 14 and 15 have been met. However, given the present uncertainty, I do not consider it necessary for me to make any interventions or observations on this matter at the moment.

More specifically, you question the appropriateness (and perhaps even the lawfulness) of the present Forum being in charge of preparing the Neighbourhood Plan. This is not something that falls within my remit, since section 61F of the Town and Country Planning Act (inserted by Part 1 of Schedule 9 to the Localism Act) gives the power to designate an organisation or body to act in relation to a neighbourhood area to the local planning authority, subject to a number of conditions. An examiner does not have the power or duty to interfere with their judgement on the matter.

I am copying this letter to the Forum and the Council, and ask them to place our exchange on the relevant website(s).

Kind regards

David Kaiserman
Independent examiner