

## OVER HULTON NEIGHBOURHOOD PLAN

### BACKGROUND NOTE AND AGENDA FOR INFORMAL MEETING 15 OCTOBER 2024

#### Background

1. On 1 May 2024 I was appointed by Bolton Council, with the agreement of the Over Hulton Neighbourhood Forum (the qualifying body), to conduct the examination of the Over Hulton Neighbourhood Plan.
2. The main purpose of such an examination is to assess whether the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and whether it is generally legally compliant (see the Annexe below). One of these statutory conditions is that the Plan should have proper regard to national policy and guidance; a second requires it to be in general conformity with the strategic policies in the development plan for the area (see reference to conditions (a) and (c) below).
3. In practice, the way that a neighbourhood plan examination is conducted is largely a matter for the examiner’s discretion, so long as it is confined to consideration of the basic conditions. In the vast majority of cases, examinations are completed solely on the basis of written submissions, in addition to an unaccompanied visit to the area concerned. Occasionally, a full public hearing is warranted, for example where there is some significant disagreement between the qualifying body and those making representations about some of the plan’s contents.
4. In addition, however, the examiner might think it appropriate to call an informal meeting to discuss certain issues, especially if there are fundamental concerns and potentially fatal flaws in the plan as submitted which might lead it to fail examination. I have concluded that this is presently the case with the OHNP.
5. My specific concerns are set out in questions and other correspondence with the Forum and the Council, all of which have been published in a prompt manner on the examination page of the Council’s website, along with the parties’ responses to them. The central issue relates to the fact that the Plan takes no account of the planning permission for the Hulton Park development, involving the creation of a championship golf course, over 1000 new homes, and a hotel and range of other commercial facilities. In addition, there is no acknowledgement of the spatial plan for Greater Manchester – “Places for Everyone” – which makes specific references to this strategically important scheme.
6. Whatever might be the explanation for these omissions, the Plan as it stands clearly fails to satisfy basic conditions (a) and (c), and this means that I would not be able to recommend it should proceed to referendum. Condition (a) is not met because it is government advice that plans are expected to serve a clear purpose, and it would not be at all clear to users of the OHNP why it takes no account of the implications of the Hulton Park scheme; and Condition (c) is not met because of the absence of any reference to Policy JP-Strat 8 of “Places for Everyone”, which is now part of the statutory development plan for the area, and which gives explicit support to the principle of that proposal.
7. For the avoidance of doubt, given the nature and scale of modifications to the Plan that would be needed to satisfy the basic conditions, it would not be appropriate (even if practicable) for me to suggest amendments of my own: put simply, this would be well outside my brief as an examiner.

8. Given this assessment, the options for the Forum in consultation with the Council would be to:
  - request that the examination of the Plan proceed, notwithstanding its likely conclusions
  - ask for a suspension to allow for a re-draft in the light of my criticisms, or
  - withdraw the Plan in its present form from examination.
9. I would add here that the option of a suspension should not be open-ended: it is important that the Forum recognise and identify how much work would need to be done in order to ensure that the Plan satisfy the basic conditions (something which I have previously indicated would need to include a further round of publicity and consultation). A long drawn-out “limbo” period would not be in anyone’s interests. Withdrawal of the Plan would, of course, not prevent a revised version being submitted at a later date, and within a timeframe that suited the Forum’s purposes.
10. The purpose of this morning’s discussion is solely to give any necessary clarification of my position on these matters, in the hope that this might help the Forum consider its next steps. It will therefore not involve consideration of any substantive matters which would be within the scope of an examination itself. Participation has been limited to representatives of the Forum (and its advisors) and the Council, with others attending as observers only.

## **Agenda**

### **Starting at 10.30am**

1. Introductions
2. Any clarification required about the examiner’s role in general or the scope and purpose of the meeting
3. Any questions about the basic conditions and the examiner’s conclusions relating to the submitted OHNP’s failure to meet them
4. Any other matters which might help the Forum in particular to decide on the next steps.

David Kaiserman BA DipTP MRTPI  
Independent examiner  
19 September 2024

## **ANNEXE: THE BASIC CONDITIONS**

I am not required to come to a view about the 'soundness' of the Plan; instead, I must principally address whether or not it is appropriate to make it, having regard to certain "basic conditions", as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended). The requirements can also be found in paragraph 065 of the national Planning Practice Guidance on neighbourhood plans.

In brief, all neighbourhood plans must:

- (a) have regard to national policies and advice
- (b) contribute to the achievement of sustainable development;
- (c) be in general conformity with the strategic policies in the development plan for the local area;
- (d) not breach, and otherwise be compatible with, EU obligations, including human rights requirements;
- (e) not breach the requirements of the Conservation of Habitats and Species Regulations 2017; and
- (f) comply with any other prescribed matters.

For the avoidance of doubt, it is only the first and third of these conditions which I have so far considered. Given the significance of my concerns in relation to Hulton Park, I have not considered it appropriate to carry out any detailed examination of the Plan's individual policies.