

# FAVERSHAM CREEK NEIGHBOURHOOD DEVELOPMENT PLAN

## **Guidance and Directions**

Timothy Jones, Barrister, FCI Arb,

No 5 Chambers

15<sup>th</sup> July 2015

## **Guidance and Directions**

1. Swale Borough Council, with the agreement of Faversham Town Council, has appointed me to examine the Faversham Creek Neighbourhood Development Plan (“the NDP”). I am wholly independent of both councils and to the best of knowledge and belief of all others involved with the NDP, being a planning barrister based in Birmingham.
2. The principal purpose of the examination is to consider whether the NDP meets the basic conditions. These are:
  - (1) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;
  - (2) the making of the NDP contributes to the achievement of sustainable development;
  - (3) the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of Swale Borough Council (or any part of that area);
  - (4) the making of the NDP does not breach, and is otherwise compatible with, EU obligations; and
  - (5) The making of the NDP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects).
3. I am also required to consider: whether the NDP is compatible with Convention rights as defined in the Human Rights Act 1998; whether the NDP complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Act 2004; and whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates,
4. The normal rule for neighbourhood planning representations is that they are conducted by written representations with any site visit being unaccompanied. A public hearing should be held when the examiner (a) considers that a key issue should be examined in more depth or (b) to ensure a person has a fair chance to put a case. It is up to the examiner to decide who is invited to speak.
5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible. During an accompanied site visit an examiner should be accompanied by at least one person from each side of any difference in respect of the land being visited or viewed. No evidence is given on a site visit. The place to give evidence is through written representations and, to the extent allowed, at the public hearing.
6. In order to facilitate this process I am issuing the following directions.

- (1) The point of contact for all communications with me is Ms Natalie Earl, Senior Planner, Planning Policy, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT, natalieearl@swale.gov.uk . No communication should be sent directly to me.
- (2) All communications with me should be in writing, not by telephone or other oral communication. They will be publicly available documents.
- (3) If anybody considers that a public hearing is appropriate, they should notify me, c/o Ms Earl, in writing no later than 12.00 noon on Friday 14<sup>th</sup> August 2015 stating the exact topic or topics on which a public hearing is sought, the reasons why this is sought and who it is suggested should be invited to speak.
- (4) If there is to be a public hearing this will take place during the week commencing Monday 5<sup>th</sup> October 2015.
- (5) If anybody considers that an accompanied site visit is appropriate, they should notify me, c/o Ms Earl, in writing no later than 12 noon on Friday 14<sup>th</sup> August 2015 stating the exact location or locations at which an accompanied site visit is sought, the reasons why this is sought and who they wish to be present.
- (6) If there is to be an accompanied site this will take place during the week commencing Monday 5<sup>th</sup> October 2015.

Timothy Jones, Barrister,

No 5 Chambers

15<sup>th</sup> July 2015