

Yaxham Neighbourhood Development Plan Review

Independent Examiner's Note on the significance or substance of the modifications proposed to the Neighbourhood Plan

Context

This Note sets out my findings on the significance or substance of the modifications proposed by the Parish Council to the Yaxham Neighbourhood Plan.

The Note has been prepared in accordance with section 10 (3) of Schedule 1 of the Neighbourhood Planning Act 2017. An independent examiner is required to assess a proposed review of a neighbourhood plan on two matters. The first is the need or otherwise for the submitted Plan to be examined. The second is the need or otherwise for a referendum to take place if an examination is required.

My findings are set out in this Note. They need to be considered by Yaxham Parish Council.

Findings

I have read the submitted review of the Neighbourhood Plan and compared it to the 'made' Plan. In addition, I have read the statement prepared by the Parish Council on this matter and the representations received on the Plan.

Taking account of all the available information, I have concluded that the significance or substance of the modifications proposed to the Neighbourhood Plan by the Parish Council is such that both an examination and a referendum are required. In this context, I have concluded that the proposed modifications are so significant as to change the nature of the Plan.

I have reached this decision as Policy ENV3 of the Plan proposes the designation of an additional Local Green Space. Such a designation would have an important effect on the use of the parcel of land concerned within the Plan period.

The Next Steps

Schedule 1 of the Neighbourhood Planning Act 2017 section 10 (4) requires the qualifying body (here Yaxham Parish Council) to respond to this finding, and in particular:

- to advise whether it wishes to proceed with the proposal or withdraw it; and
- to notify the examiner and the local planning authority of that decision.

I would be grateful if the Parish Council would address the first matter and advise accordingly.

Other Comments

For clarity, this note relates only to the examination process. It does not address the extent to which the Plan meets the basic conditions.

Should the Parish Council wish to continue with its promotion of a review of the Plan, the examination would proceed in accordance paragraph 8 of Schedule 4B to the Planning and Compulsory Purchase Act 2004 (as applied by sections 38A (3) and 38C (5) of the Neighbourhood Planning Act 2017).

In practical terms, the examination would then follow the procedural guidance as set out in the Communities and Local Government/NPIERS Guidance for service users and examiners

(April 2018). This is the traditional way in which a neighbourhood plan is now examined (and it is a refinement of the process which was applied for what is now the made Plan).

A link to the document is provided below for the convenience of the Parish Council.

[npiers-planning-guidance-to-service-users-and-examiners-rics.pdf](#)

Andrew Ashcroft

Independent Examiner

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