

Elmstead Neighbourhood Plan 2013 - 2033 and Neighbourhood Development Order

Additional Comments of the Independent Examiner

Prepared by

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2nd January 2024

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Elmstead Neighbourhood Plan and the accompanying Neighbourhood Development Order. On 22nd November 2023, I issued my Initial Comments and invited comments from both Tendring District Council and Elmstead Parish Council on a number of questions covering both the neighbourhood plan and the neighbourhood development order.

Need for a Public Hearing

2. I am grateful for the responses which were received from both parties, which I received on 15th December 2023. I have reflected on these responses and I have concluded that it will be necessary to call for a public hearing, in order for me to explore in greater detail a number of key issues, relating to both the neighbourhood plan and the accompanying neighbourhood development order.
3. I am therefore asking Tendring District Council to liaise with the Parish Council in order to suggest a mutually agreeable date to hold what I expect will be a half day hearing, but I suggest the venue is booked for a full day.
4. I am hoping that the hearing can be held in Elmstead Community Centre, but clearly that will depend on its existing commitments and bookings. Once a date has been agreed between the two main parties, having checked my availability, I will issue a Notice of Public Hearing which will set out the specific topics that I will be exploring. That note will confirm the arrangements for the hearing, how it will be conducted and which other parties, I wish to be invited. It will include a public notice to be displayed locally, allowing the public to attend.
5. The hearing will mainly concentrate on a small number of themes arising from the neighbourhood plan, in particular I want to fully understand and test the criteria used for establishing its settlement boundaries and whether the suggested revised policy put forward by the Parish Council in its response, relating to the Green Landscape Buffer includes sufficient guidance to decision makers, to enable them to determine whether uses buildings and structures will have “an urbanising effect”.
6. The second part of the hearing will focus on the proposed neighbourhood development order. In particular I need to be satisfied that the site is capable of satisfactorily accommodating the quantum of development being sought, both in terms of amenity space for residents and car parking. I will also need to be satisfied that the matters proposed, by either the district council or the parish council, to be covered by conditions and/or legal agreements are appropriate for a neighbourhood development order. This may require input from the District Council’s development management team for that part of the discussion.

Policy ELM 8: Zero Carbon Buildings

7. In its response to my comments on this policy, the Parish Council challenged me to set out the legal basis of my view that the WMS dated 25th March 2015, remains valid. I can now inform parties that the Minister of Housing recently issued a new Written Ministerial Statement, dated 13th December 2023, which has updated the Secretary of State's position. This can be found at <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>.
8. I will not be inviting any additional submissions on that particular policy.

Concluding Remarks

9. I hope that by giving an early indication as to my decision on the need for a public hearing, we can maintain the momentum on this examination. I will leave it to Will Fuller at Tendring to liaise between myself and the Parish Council, but I would hope that the hearing to be arranged within the next 4-6 weeks, if possible. Once the date and venue are confirmed, I will issue my Notice of Hearing indicating the other parties I wish to see invited to participate and also the questions around which the discussions will be based.
10. I am sending this note direct to both Elmstead Parish Council, and Tendring District Council. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the District Council's website.

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