

MUCH HADHAM NEIGHBOURHOOD PLAN
(Submission Version 2021)

Guidance and Directions

Timothy Jones, Barrister, FCIArb,

Independent Examiner,

No 5 Chambers

8th November 2021.

Guidance and Directions

1. East Hertfordshire District Council (“EHDC”), with the agreement of Much Hadham Parish Council (“MHDC”), has appointed me to examine the submission draft Much Hadham Neighbourhood 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. I have no interest in any land in East Hertfordshire district.
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 EHDC (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 does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
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 (in certain circumstances) 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. I have concluded that a public hearing is not required.
5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible. Nothing in the papers that I have seen so far has persuaded me that an accompanied site visit is required.
6. In order to facilitate this examination, I am issuing the following directions.

7. The point of contact for all communications with me is Laura Guy, Principal Planning Office (Laura.Guy@eastherts.gov.uk) of East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ. All communications should be in writing, not by telephone or other oral communication. These will be publicly available documents with telephone numbers and email addresses of human beings redacted.

8. I shall be carrying out a site visit. I cannot visit places that the public are not entitled to visit unless I have the consent of the owner. If anyone wishes me to visit any particular location, they may send to the point of contact details of the location and of any view from that location that they wish me to consider. If anyone considers that a view that cannot be seen from a location that the public are entitled to visit is relevant to the examination, they may send a photograph of the view concerned to the point of contact. Any photograph should clearly identify (preferably by a map) from where it was taken, to where it is looking and the date on which it was taken. All responses to this paragraph should be sent to the point of contact so as to be received no later than 12.00 noon on Monday 22nd November 2021.

9. It is important to emphasise that this is not an occasion for further submissions or for statements that go beyond a reasonable and direct response to paragraph 8.

10. If any person considers that they need more time to respond to paragraph 8, they must apply for an extension of time to me, c/o the point of contact, so as to be received no later than 12.00 noon on Monday 15th November 2021, giving reasons for their application.

11. These Guidance and Directions are to be:

- (1) Posted promptly in appropriate locations on websites of EHDC and MHPC;
- (2) Posted in Much Hadham Village Hall;
- (3) Posted on any notice boards of MHPC; and
- (4) Sent promptly to all who have made representations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Timothy Jones,
Barrister, FCI Arb,
Independent Examiner

8th November 2021