

Storrington, Sullington & Washington Neighbourhood Plan 2018 - 2031

Initial Comments of the Independent Examiner

Prepared by

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Introduction

1. As you will be aware I have been appointed to carry out the examination of this Neighbourhood Plan. I have carried out my initial assessment of the Plan and all the accompanying documents that I have been sent. I have also spent half a day, yesterday, visiting the neighbourhood area to familiarise myself with the Storrington, Sullington, Washington and the surrounding countryside.
2. Before going too far with this examination, and as there are other matters which I will wish to raise, I need to address one fundamental matter and that is the status of the Qualifying Body – which is central to the neighbourhood planning legislation.
3. The Basic Conditions Statement refers to the plan being “prepared by the Parish Councils, for the neighbourhood area covering the whole of the parishes of Storrington, Sullington and Washington as designated by the District Council on 19th December 2013.” In paragraph 2.2 of the document, it refers to the qualifying body (*singular*), the Parish Councils (*plural*) each approved...”
4. The original application to Horsham District for the designation of the single neighbourhood area in 2013, came in the name of both Parish Councils - each submitting their own letter and refer to the idea of jointly preparing a neighbourhood plan. It does not identify which was to be the lead authority and hence be the Qualifying Body. The legislation refers to a “relevant body” – which is a parish council - not parish councils. That is repeated in Regulation 7(1)(c) of the Neighbourhood Plan Regulations 2012 as the name of the relevant *body* who applied for the designation needs to be publicised.
5. I am further confused as to the status of which is the Qualifying Body as reading the South Downs National Park Authority’s report dated 10th December 2013 on the application for neighbourhood plan status, it states “Storrington and Sullington Parish Council as the “relevant body” submitted an application for designation of a neighbourhood area to both Local Planning Authorities, Horsham and SDNPA.... Washington Parish Council formally resolved to join Storrington and Sullington Parish Council in preparing a neighbourhood plan”
6. **I therefore need to firmly establish that there is a single qualifying body, namely Storrington and Sullington Parish Council and that Washington Parish Council has consented to that status. Can the two Parish Councils confirm to me that to be the case and that the impression given in the Basic Condition Statement is wrong.**
7. For background, I set out my reason why this is a matter of consequence. The relevant section of the legislation is Schedule 10 of the Localism Act which inserted a new Section 61F of the Town and Country Planning Act 1990. Section (1) authorises *a parish council* to act in relation to a neighbourhood area (i.e. an area the subject of a neighbourhood plan).

Section (2) deals with the situation where the plan covers the whole or part of *another* parish council area, if *the* parish council is authorised *for those purposes* to act in relation to that neighbourhood area if *that* parish council has given their consent. The italicised words are my emphasis.

8. Throughout the legislation, the term Qualifying Body is mentioned in the singular and it does not therefore provide for having Joint Qualifying Bodies (as suggested by the Basic Conditions Statement), for a single neighbourhood area. That would make sense, if for example, a decision was taken by one of the joint qualifying bodies to withdraw the plan - what would be the status of the plan which covered the whole area.
9. Whilst I, as an examiner, need to consider these matters, it is also incumbent upon Horsham District Council to address the question set by Paragraph 6(2) (a) of Schedule 4B of the Town and Country Planning Act 1990 namely “whether the qualifying body is authorised for the purposes of a neighbourhood development plan to act in relation to the neighbourhood area concerned as a result of Section 61F.” **I consider that this is a matter that needs to be expressly considered by the LPA and would welcome clarification to me of its understanding of the status of the Qualifying Body for this Plan.**

Concluding Remarks

10. Once we have resolved this matter I can then move on to address more substantive, rather than these procedural and technical issues relating to the neighbourhood plan. However, it is important to address this fundamental issue before proceeding further.
11. In terms of timescales I would like to receive responses by Wednesday 20th June 2018. I would also ask that a copy of this note and responses are placed on the respective websites.

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Independent Examiner of the Storrington, Sullington and Washington Neighbourhood Plan

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