

# INDEPENDENT EXAMINATION OF THE TURVEY NEIGHBOURHOOD PLAN

EXAMINER: Wendy Burden BA (Hons) DipTP MRTPI

[REDACTED]  
Fisher German LLP

Via email

Examination Ref: 02/WB/FG

23 March 2021

Dear [REDACTED]

## TURVEY NEIGHBOURHOOD PLAN EXAMINATION

Thank you for your letter of 18 March 2021, concerning the procedural approach to the examination of the Turvey Neighbourhood Plan.

My examination is based primarily on the documents that were submitted for examination, including the written representations that were provided to me as a result of the Regulation 16<sup>1</sup> consultation exercise. The Regulation 16 consultation provided an unfettered opportunity for any interested party to submit a comprehensive written representation on the content of the draft Turvey Neighbourhood Plan (in addition to that provided at the Regulation 14 stage).

As a result of my scrutiny of the submitted documents, including the representations, I posed a series of question to Turvey Parish Council and Bedford Borough Council, the parties responsible for the production and submission of the Plan. The purpose of those questions was to gain further information to clarify matters relevant to my determination as to whether the Plan meets the 'Basic Conditions'<sup>2</sup> and other legal requirements.

This was undertaken in an entirely transparent manner, and my letter was placed on the Bedford Borough Council and Turvey Parish Council websites. Responses were provided, as requested, from both the Borough and Parish Councils, and from Historic England. Furthermore, both Fisher German LLP and another interested party chose to respond to those questions and I accepted those submissions.<sup>3</sup> In these circumstances I have afforded some latitude to ensure the process is inclusive whilst seeking to follow the general principles set out in the sector led guidance on the conduct of neighbourhood plan examinations.<sup>4</sup>

As you are aware, it is at my discretion as to whether to convene a hearing. I am satisfied that interested parties have had a fair chance to put their case without the need for an oral examination. In my assessment there is sufficient information based on all the written material before me for me to carry out an adequate examination of the issues and to make my recommendations. In spite of comments made in its response to my questions, Turvey Parish Council has not sought to withdraw its Plan from examination for revision.<sup>5</sup> I have taken a proportionate approach to the examination, guided by the requirement for me to establish only whether or not the Basic Conditions and other

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<sup>1</sup> Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

<sup>2</sup> Paragraph 8(2), Schedule 4B to the Town and Country Planning Act 1990 (as amended).

<sup>3</sup> View my letter and the responses at: [Turvey Neighbourhood Plan - Bedford Borough Council](#)

<sup>4</sup> Neighbourhood Planning Independent Examiner Referral Service, Guidance to service users and examiners.

<sup>5</sup> A qualifying body may withdraw its neighbourhood plan at any time before the local planning authority make a decision in relation to the recommendations made by the examiner - Paragraph 2(1), Schedule 4B to the Town and Country Planning Act 1990 (as amended).

legal requirements have been met<sup>6</sup> in relation to the Plan as submitted and to make recommendations in that regard.

I will now issue the fact check version of my report to the local planning authority and qualifying body. On receipt of my final report, it will be for the local planning authority to consider my recommendations and determine the next appropriate steps.<sup>7</sup>

I am forwarding a copy of this response to Turvey Parish Council and Bedford Borough Council, requesting that it be placed on their websites alongside your letter.

Your sincerely

*Wendy Burden*

Examiner

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<sup>6</sup> This is in contrast to the level of scrutiny and justification required to establish, for example, whether a local plan is 'sound'. Notably, see *Woodcock Holdings Ltd. v Secretary of State for Communities and Local Government* [2015] EWHC 1173 (Admin) and *Crownhall Estates Limited v Chichester District Council* [2016] EWHC 73 (Admin).

<sup>7</sup> Paragraph 12, Schedule 4B to the Town and Country Planning Act 1990 (as amended).