

Deborah McCann
Deborah McCann Ltd
9, Station Road
South Brent
TQ10 9BE
27th July 2022

Dear Mr Hale

Examination of the Totnes Neighbourhood Development Plan: Call for a Hearing

As the independent examiner of the Totnes Neighbourhood Development Plan, having read the plan, supporting documents and representations, I consider that it is necessary to call a Hearing. I have decided that in order that I may consider fully certain of the issues raised in the representations on this plan it is necessary to arrange a Hearing under the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

As the examiner I determine the issues to be considered at the Hearing. The scope of the Hearing will be confined to the areas of the plan that I consider that it is necessary for me to hear oral representation to ensure adequate examination of the issues.

It is for me as the independent examiner to decide:

- the format and scope of the Hearing
- who will be invited to speak at the Hearing, in addition to the local planning authority and the qualifying body that submitted the neighbourhood plan.
- the questions to be asked at the Hearing.

Please find attached an initial list of topics (issues) which I wish to discuss at the Hearing with a series of more detailed questions to follow. I also attach a procedural note which includes a list of those I wish to invite to participate. Copies should be sent to Totnes Town Council as the Qualifying Body, statutory consultees and to all who made representation on the plan in accordance with Regulation 16 and who asked to be notified. It should also be posted on the Council and Neighbourhood Plan web site. Any further material submitted in the course of examination, including any further written statements and the final agenda for the Hearing should be made publicly available on the same web site(s).

Yours sincerely

Deborah McCann
BSc MRICS MRTPI Dip Arch Con Dip LD
Planning Consultant
CEDR accredited mediator
NPIERS Neighbourhood Plan Examiner

Examination of the Totnes Neighbourhood Development Plan

Examiner's procedural note – Rules for public hearing of representations

Background

The Localism Act states that, as a general rule, the examination of issues in Neighbourhood Plans takes the form of the consideration of written representations. However, a hearing must be held for the purpose of receiving oral representations about a particular issue should the examiner consider it to be necessary 'to ensure adequate examination of the issue'.

From my examination of the plan and the representations made on it I have come to the view that I require further information in order to come to a reasoned conclusion on the extent to which the plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (introduced by Schedule 10 of the Localism Act 2011).

More specifically I wish to consider in more detail, and hear oral representations on, issues arising from the following policy of the plan:

Policy C12 Former Dairy Quest Site and Appendix E, Former - Dairy Crest site Development Brief

Procedure at the hearing

As the hearing is to be held to elicit more information and is not specifically required to give any person a fair hearing (that is not to say that invited participants will not be given a fair hearing) participation at the hearing is by my invitation. I am inviting those who have made written representation on the issues to be discussed and who have sought some change to the plan. Attached is a list of invitees.

The hearing is held in public, but it is not a public meeting in the sense that anyone may speak. Only those invited to participate will be permitted to speak. The hearing will take the form of a structured question and answer session based on an agenda which will be circulated in advance. It will cover the issues and questions I have identified.

I am aware that representations have been made on a variety of other topics and policies within the draft plan. In general I am satisfied that I have sufficient information on those matters to proceed by a consideration of the written representations.

On the day, I will make a short introduction and then proceed to the agenda items. Agenda items will be taken in turn and I will ask questions of the person I consider to be the most appropriate to commence discussion on the item to do so. Generally, I will look to the town council representatives to conclude on each item, having the final say as the 'plan-making body'.

I attach a draft of the topics (issues) I wish to cover; detailed questions and a formal agenda will follow, and this will include an indication of which topics the invitees will be asked to address.

The hearing will commence at 10.30 am on 6th September 2022 at:

The Guildhall
Ramparts Walk
Totnes
TQ9 5QH

Please send all correspondence to:
Elliott Hale
Neighbourhood Planning Officer
Email: elliott.hales@swdevon.gov.uk

INVITEES

Representative of Totnes Neighbourhood Plan Group/Town Council
Representatives of South Hams District Council Planning and Legal Departments
Representative of Fastglobe (Mastics) Ltd, the owners of the site.

EXAMINATION OF THE TOTNES NEIGHBOURHOOD DEVELOPMENT PLAN

Topics (issues) to be covered at the hearing.

This is a draft list of topics for which will be supplemented by more detailed questions in a final agenda for the hearing.

The hearing will centre on issues relating to **Policy C12 Former Dairy Quest Site** and **Appendix E, Former - Dairy Crest site Development Brief** including but not exclusive to the following:

- Consultation
- Meeting the Basic Conditions
- HRA