

# Hoxne Neighbourhood Plan 2022 - 2037

## Independent Examination correspondence document

**First published:** 12 April 2023

**Last updated:** 26 May 2023

### Introduction

This document provides a record of all general correspondence, important matters and the responses to these that take place between the Examiner (Janet Cheesley), the Parish Council (the Qualifying Body or 'QB'), and Mid Suffolk District Council during the examination of the Hoxne Neighbourhood Plan.

As required, specific documents will also continue to be published on our Hoxne NP webpage:

[www.midsuffolk.gov.uk/HoxneNP](http://www.midsuffolk.gov.uk/HoxneNP)

### Copies of e-mails / letters etc. appearing on the following pages:

1. **E from Examiner dated 12 April 2023: Examination start and procedures.**
2. **E from Examiner dated 12 April 2023: Issue with Basic Conditions Statement**
3. **Responses to matters for clarification (E-mail from Examiner dated 12 April 2023 refers)**
4. **Response to Basic Conditions Statement issue (E-mail from Examiner dated 12 April 2023 refers)**
5. **26 May 2023: Update on Non-designated Heritage Assets query**

## 1. E from Examiner dated 12 April 2023: Examination start and procedures.

Dated: 12 April 2023  
From: Janet Cheesley  
To: Paul Bryant (BMSDC), Rob Marsh-Feiley (Hoxne Parish Council), Andy Robinson (NP Group Consultant), *and* Sarah Foote (Parish Clerk)  
Subject: Commencement of the Examination  
Attached: [Npiers Planning Guidance To Service Users And Examiners Rics.pdf](#)

Dear All

I am writing to set out how I intend to undertake the examination of the Hoxne Neighbourhood Development Plan. My role is to determine whether the Plan meets the Basic Conditions and other legal requirements. I intend to ensure that the Parish Council feels part of the process. As such, I will copy the Parish Council into all correspondence, apart from contractual matters that are dealt with directly with the local planning authority. Likewise, please can you ensure that any correspondence from you is copied to the other party. This will ensure fairness and transparency throughout the process.

Paul will be my main point of contact. Once I have read all the papers, I may ask for any missing documents or seek clarification on some matters. It may be appropriate for me to seek clarification on matters from the Parish Council. I must emphasise very strongly that this does not mean that I will accept new evidence. In the interest of fairness to other parties, I cannot accept new evidence other than in exceptional circumstances. If the Parish Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest that you send it to Paul in the first instance for an opinion.

It may be that there is very little correspondence from me during the examination. I will endeavour to keep you all up to date on the progress of the examination. The default is for an examination to be conducted without a hearing. If I feel one is necessary, I will inform you both as early as possible, but this is likely to be near the end of the examination process. If I do intend to hold a hearing, I will inform you of the procedure at that time.

I will issue a draft report for fact checking by both parties. I will ask you both to check my report for factual errors such as dates, sequence of events, names and so on that might need to be corrected. The report will be confidential and must not be presented to a public meeting. I must emphasise that this is not an opportunity to make comments on the report other than those that relate to factual errors. In particular, I will not be inviting, and will not accept, comment on any suggested modifications. The draft report will only be published as the final version if there are no factual errors found and if there is no other reason, such as a sudden change in national policy, that could be significant to my recommendations. I will endeavour to issue my final report shortly after the fact checking stage.

I enclose the NPIERS Guidance to Service Users and Examiners, which may be of interest regarding the examination process.

I confirm that I have received the documents from Mid Suffolk District Council.

As part of the examination process I am able to seek clarification on matters. Please can the Parish Council answer the following questions.

- 1) There are two maps titled Figure 8. I am assuming that the second map should be figure 9?
- 2) Policies 13, 14 and 15 refer to figure 10. That map is missing. Please can I have a copy.

- 3) Supporting Evidence Document 6 in Appendix 3 identifies non-designated heritage assets. I am seeking clarification as to whether there is a document in the public realm that explains the criteria used to select these, such as a record of a Parish Council Meeting. I am not seeking new evidence, nor asking for evidence that has not previously been publicly available, as it is not appropriate to do so.

Regards

Janet Cheesley

[Ends]

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## **2 E from Examiner dated 12 April 2023: Issue with Basic Conditions Statement**

Dated: 12 April 2023

From: Paul Bryant (BMSDC), Rob Marsh-Feiley (Hoxne Parish Council), Andy Robinson (NP Group Consultant), and Sarah Foote (Parish Clerk)

Subject: Basic Conditions Statement – action needed.

Dear All

Paragraph 1.10.5. in Part 2 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* advises that: *the independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body.*

I have undertaken an initial high - level assessment and unfortunately I have identified that the Basic Conditions Statement does not meet the necessary regulations.

Regulation 15(1)(d) in the Neighbourhood Planning (General) Regulations 2012 (as amended) states the requirements for a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. This includes whether the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority. This is known as the Basic Conditions Statement.

The Basic Conditions Statement submitted with the Hoxne Neighbourhood Development Plan assesses the Plan against emerging local plan policy. It should have assessed the Plan against current adopted strategic policy. I would like to give the Parish Council the opportunity to submit a revised Basic Conditions Statement that fully complies with Regulation 15(1)(d).

Unfortunately, this will mean that a revised Basic Conditions Statement will have to be subject to further consultation. I would like to give the Parish Council 7 days from receipt of this email to respond. I am asking for confirmation that the Basic Conditions Statement will be amended.

I am not seeking, and will not accept, any representations from other parties regarding this matter at this stage.

Please can this email be placed on the Mid Suffolk District Council's webpage for the Plan.

Kind Regards,  
Janet Cheesley.

[Ends]

3. Responses to matters for clarification (E-mail from Examiner dated 12 April 2023 refers)

Dated: Various dates between 13 April and 18 April 2023  
From: Andy Robinson, Rob Marsh-Feiley  
To: Janet Cheesley  
cc: Paul Bryant, Sarah Foote

1) There are two maps titled Figure 8. I am assuming that the second map should be figure 9?

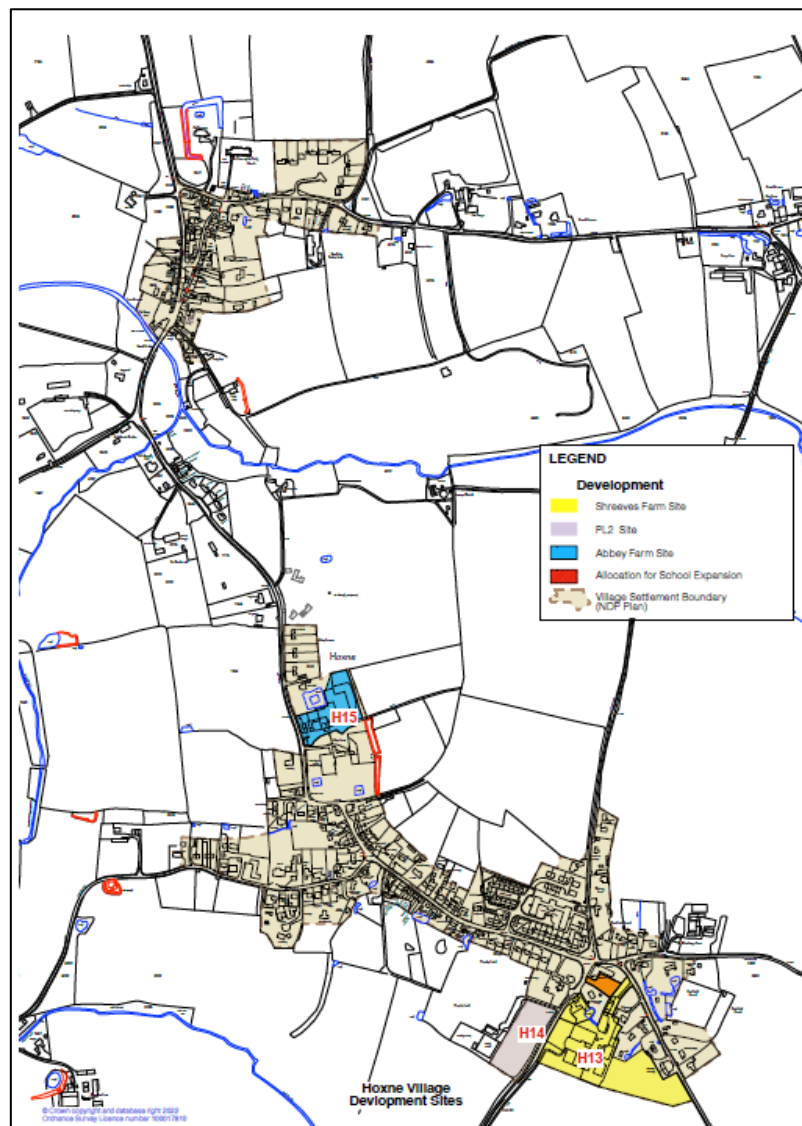
**Response from Hoxne PC:** On the maps, Fig 8 and 8 should be as suggested - Fig 8 and 9 (to match the text).

2) Policies 13, 14 and 15 refer to figure 10. That map is missing. Please can I have a copy.

**Response from Hoxne PC:** It does look like fig 10 was missed off and this is now attached.

**MSDC note:** See screen shot below and use the link provided to view the full size image:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Hoxne-NP-Figure10-H13to15.pdf>



- 3) Supporting Evidence Document 6 in Appendix 3 identifies non-designated heritage assets. I am seeking clarification as to whether there is a document in the public realm that explains the criteria used to select these, such as a record of a Parish Council Meeting. I am not seeking new evidence, nor asking for evidence that has not previously been publicly available, as it is not appropriate to do so.

**MSDC note:** See update on this issue which starts on page 6

[Ends]

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**4. Response to Basic Conditions Statement issue (E-mail from Examiner dated 12 April 2023 refers)**

Dated: 18 April 2023  
From: Andy Robinson  
To: Janet Cheesley, Paul Bryant (BMSDC), Rob Marsh-Feiley, Sarah Foote  
Subject: *Basic Conditions Statement*  
Attached: Revised Basic Conditions Statement

All

Please see attached for comment a draft of the Revised Basic Conditions Statement - new table 4.2 dealing with the Local Plan.

**Response from Examiner (19 April)**

Thank you for this document. Paul please can you arrange for the revised Basic Conditions Statement to be subject to a 6 week public consultation.

**Response from MSDC (20 April)**

All noted. I will get this consultation underway as soon as possible.

**MSDC note:**

The revised Basic Conditions Statement and details of the public consultation on this; which takes place between Monday 24 April and Friday 9 Jun 2023, can be found on our Hoxne NP webpage: [www.midsuffolk.gov.uk/HoxneNP](http://www.midsuffolk.gov.uk/HoxneNP)

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## 5. 26 May 2023: Update on Non-designated Heritage Assets query

In her e-mail dated 12 April 2023 the Examiner sought clarification on the following matter:

*“Supporting Evidence Document 6 in Appendix 3 identifies non-designated heritage assets. I am seeking clarification as to whether there is a document in the public realm that explains the criteria used to select these, such as a record of a Parish Council Meeting. I am not seeking new evidence, nor asking for evidence that has not previously been publicly available, as it is not appropriate to do so.”*

Since then, e-mails have been exchanged between the Examiner and the QB which, in summary, have established that:

1. The list of non-designated heritage assets were provided by the Hoxne Heritage Group (who have their own website: <https://www.hoxnehistory.org.uk/Buildings.php>)
2. That there is no document on the Hoxne Heritage Group website that clear explains what criteria were used to select the non-designated heritage assets
3. That it was subsequently established that regard had been given to the following publication:

<https://historicengland.org.uk/imag-s-books/publications/local-heritage-listing-advice-note-7/>

# Local Heritage Listing: Identifying and Conserving Local Heritage



Historic England

Local Heritage Listing:  
Identifying and Conserving Local Heritage

Historic England Advice Note 7 (Second Edition)

Historic England Advice Note 7 (2nd edition)

🕒 Published 27 January 2021

📄 Download Local Heritage Listing: Historic England Advice Note 7 (2nd ed)  
(PDF, 1.26 MB)

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