

# Over Hulton Neighbourhood Plan Examination

on behalf of Bolton Council



## Examiner's clarifying questions to Over Hulton Neighbourhood Forum and Bolton Council

### Question 2 (EQ2)

I have considered the replies to my question EQ1 dated 29 May 2024, which – in summary – raised concerns about whether it would be in the wider interest for me to proceed with my examination of the OHNP, given the complete absence of any assessment of how it might be impacted by the planning permission for the very large development granted on appeal on 25 October 2022. This question was a “common sense” one in terms of the public perception and general utility of the Plan; its scope in terms of my examination was therefore essentially procedural, rather than evidential.

Both parties have replied giving reasons why they consider that the examination should proceed without delay. However, I have serious doubts about their arguments, for the following reasons:

1. Bolton Council says that at the time of the Plan's submission (which was on 19 August 2022), the information in it was correct and up to date in respect of Hulton Park. However, the “start date” for the appeal was nearly two months before this, on 22 June. On the face of it, therefore, this gave an opportunity for the parties to pause and reflect on the possible implications for the OHNP's progress.
2. Moreover, while I do not suggest that the Secretary of State's decision was a foregone conclusion, in the light of his granting permission for the earlier application (supported at the time by Bolton Council), and the officers' clear recommendation for approval of the second one, the outcome is unlikely to have come as a surprise to the parties. The Council's subsequent decision not to defend their refusal only emphasises the point.
3. It does not seem to me to be relevant to suggest that pressing ahead with the submission was justified on the grounds that the original (2017) application took more than three years to be finally determined: the circumstances then were clearly completely different from the situation in mid-2022.
4. The Council also points to the fact that the revised scheme proposes more of the 1036 dwellings being located outside the NP area than was the case under the original submission, concluding that this also supports the case for proceeding with the Plan as it stands. However, a very substantial amount of new residential and commercial development is still proposed within the NP area, and no details of this are mentioned in the document as submitted.
5. I accept that there will be some uncertainty about the implementation of the Peel scheme until the Ryder Cup issue is clarified, as the Council points out, but this seems to me to be of less significance to my examination than the clearly settled principles of the planning framework which now applies to the area. In any event, the submitted Plan might have been expected to do its best to address the implications of this uncertainty – but this is not mentioned anywhere.

6. I am also aware that “Places for Everyone” (PfE), the spatial plan for Greater Manchester<sup>1</sup>, was formally adopted on 21 March 2024, which means that it is now part of the statutory development plan for the area covered by the OHNP. It provides for the restoration of Hulton Park and the provision of the golf course and associated leisure and tourism facilities. While the NP clearly could not have taken this final stage of the strategy into account, Policy JP Strat8 was there in the version submitted to the Secretary of State about six months earlier. PPG paragraph 009 points out that while a draft NP is not tested against the policies in an emerging local plan, “the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested”. The PfE policy is simply not mentioned in the submitted OHNP.

I have much sympathy with the points made to me by the Chair of the Over Hulton Neighbourhood Forum, in particular commenting on the degree of work which I know they and the wider community have done to get the Plan to submission stage, and their understandable desire to now see it complete its progress. In order to achieve this, they say they are ready to work with Bolton Council, the landowner and me to produce a series of modifications to the Plan, including the content of its policies.

I accept that this proposal is well meant. Unfortunately, however, the relevant Regulations would not permit such an approach being inserted at this stage of the process, and nor could the examiner’s role involve becoming part of a collaborative team in the way suggested.

As the parties know, I am required to recommend that the Over Hulton Neighbourhood Plan either

- (a) be submitted to a local referendum; or
- (b) proceed to referendum, but as modified in the light of my recommendations; or
- (c) not be permitted to proceed to referendum, on the grounds that it does not meet the statutory requirements.

Having considered very carefully the implications of the present position, I remain concerned about the overall appropriateness and general utility of the OHNP as it is presently drafted. While I do not have a closed mind on the matter, I would therefore have difficulty in recommending that it proceed to referendum. I come to that view partly because I think it highly unlikely that I would be able to follow option (b), given the radical nature of modifications that are likely to be required. I emphasise that this is not as a result of an assessment of the Plan’s compliance with the basic conditions in their own terms (an exercise I have not carried out): it is as a result of the Plan’s failure to take necessary account of what are clearly major shifts in the context for its preparation.

In light of this, I would like the parties to consider the following options:

1. that they ask me to proceed with my examination; or
2. that they ask me to suspend the examination to allow modifications to be made which would take into account the new circumstances. (I would point out that this would necessitate a further round of publicity and consultation); or
3. that they withdraw the Plan in its present form.

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<sup>1</sup> excluding Stockport

In order to provide an opportunity for the parties to understand fully my position, I would be willing to arrange for an informal discussion about these options and their implications. Participation would be restricted to representatives of the qualifying body (the OHNP Forum) and Bolton Council, with others being free to attend as observers only. If the parties agree that this would be beneficial, I would prepare an agenda and a short note to aid the discussion. These, together with the notice of the meeting and a note of what was discussed, would need to be published on the council and forum websites in the usual way.

I have been informed by Bolton Council that the forum will be unavailable during the weeks beginning 24 June, 1 July and 8 July. I would therefore be grateful for the parties' responses to be with me by 5pm on Monday 22 July. If it is not going to be possible to reply by that deadline, please let Penny O'Shea know via email to [mail@pennyoshea.co.uk](mailto:mail@pennyoshea.co.uk)

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