

Latham, James

From: Kitto, Stephanie
Sent: 06 August 2019 14:45
To: Latham, James
Subject: FW: Note and questions of clarification from the Examiner on the Dilwyn Neighbourhood Plan
Attachments: Note and Questions of Clarification from the Examiner.docx

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From: Ann Skippers
Sent: 31 July 2019 11:42
To: Kitto, Stephanie <Stephanie.Kitto@herefordshire.gov.uk>
Cc: Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>
Subject: Note and questions of clarification from the Examiner on the Dilwyn Neighbourhood Plan

Dear Stephanie,

I am making good progress with the above examination and have nearly completed my assessment. However, some matters have arisen on which I would be grateful for the kind assistance of both the Parish Council and HC.

First of all, there is a note regarding one of the proposed site allocations which I draw your attention to.

Secondly, a number of queries of a factual nature or matters on which I seek further clarification or information have arisen during my review of the NP. It is not unusual at all for me to have a few queries or to ask for some further information so please be reassured that this is quite 'normal'.

I would be most grateful if both Councils as appropriate would respond to my note and the queries which are detailed in the attachment. I have sent you this in word format so that answers may be easily added in to it if you so wish.

It would be very helpful to me if all the answers could be collated together by HC and that just one bundle of responses is sent to me by HC.

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination. However, I am conscious that the note will no doubt generate discussion. Therefore I will not put a date on any timescale for response. For your information I am on leave from 16 August for an extended period. I suggest that once you and the QB has had a chance to digest the note and consider any options or a preferred way forward, that this is run passed me for my consideration so we can all agree the way forward before any further work is undertaken. It would be good from my point of view to know the direction of travel and agree a way forward if at all possible before I go on leave, but I am conscious we are heading into Summer holidays etc.

This email, the attachment with the questions (and the responses to them) will be a matter of public record and should be placed on the appropriate websites.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if any queries arise.

Kind regards Ann

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Dilwyn Neighbourhood Plan Examination

Note and questions of clarification from the Examiner to the Parish Council and HC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

Note from the examiner for further consideration please

1. There is considerable concern over the site allocation at land to the southwest of Orchard Close and Castle Mount (subject of Policies DW3 and DW4). In particular I am thinking of the objection from Historic England. I am considering whether this site allocation should be deleted from the Plan. What implications would this have for the Plan? Is there additional work that could be done or other options which could be explored?

Questions of clarification

2. Please confirm when the Plan was submitted. An email to me from HC indicates this was on 28 January 2019, but the Regulation 16 period started before this date and so I would like to check.
3. The "Progression to Examination Decision Document" refers to and summarises a representation from HC Conservation. This does not appear to be included in the bundle of representations. Please send me a copy of the full representation and include it in the bundle as necessary. The same document refers to additional consultation undertaken with HC Archaeology. Is this advice public? If so, please send me a copy.
4. Did the Habitats Regulations Assessment Report of January 2019 take into account the new basic condition brought into force on 28 December 2018? Is the note from HC of 15 January relevant?
5. A planning application, ref P171452/F, is referred to on page 17 of the Plan. Please send me further details of the grant of permission including the location plan, the site/layout plan and quantum of development. Is this site reflected in the settlement boundary?
6. A representation refers to a planning application, P152567, land adjacent to Wood Stock Cottage. Please send me the location plan and decision notice for this application and update me on any subsequent applications or appeals on this land.
7. A number of queries arise in relation to the settlement boundary:
 - a) The proposed housing site, Policy DW3, Land east of Brookside Cottage is shown on the Policies Map, but the settlement boundary appears to go beyond this and include an adjacent open area? Is this correct and if so, why does this land not form part of the adjacent allocation?
 - b) Does the land included in the settlement boundary on the opposite side of the road to Orchard Close and adjacent to The Great House have any planning applications on it? If so, please send me details.

8. The boundaries for a) the Bank Top Orchard and b) Court Orchard proposed Local Green Spaces seem to be arbitrary? Are there any features on the ground that would help to designate these boundaries? Does HC consider the existing boundaries to be sufficiently clear for the purposes of development management?
9. Please send me a copy or link to, the Historic Environment Record for the Castle Moated Mound Scheduled Ancient Monument. There is an extract in the Heritage Impact Assessment, but I'm seeking the full record.
10. In relation to Policy DW6, should criterion f) refer to traditional orchards rather than (just) orchards? If not, why not?
11. Two queries arise in relation to Policy DW8:
 - a) Criterion 5. refers to trees of "no value". What was meant by this phrase? How might be this assessed?
 - b) Map 2 Location of Important Views. Please could arrows showing the direction of the views be incorporated into this map?
12. Criteria c) and d) of Policy DW12 refer to live/work units outside of the settlements. I am not sure what the intention of these elements of the policy are? Please may I seek clarification?
13. Policy DW15 has an "and" at the end of criterion h). Is some text missing or is this a typo?
14. Policy DW16 identifies various facilities and services seeking to protect them unless alternative provision is made. Three of the facilities identified (Village Green, St Mary's Church and churchyard and Play Area adjacent to the Primary School) are also proposed in the Plan as Local Green Spaces. I consider there may be a conflict between Policy DW16 which seeks to protect facilities, but allows for their loss and the rationale for identifying those spaces as Local Green Spaces. Should these facilities be removed from Policy DW10 (or DW16)?
15. Appendix 1 makes a reference to "Heritage England" (page 42 of the Plan). Should this be Historic England?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.
Ann Skippers
Independent examiner
31 July 2019