

Dilwyn Neighbourhood Plan Examination Note to the Parish Council and HC

I wrote to you on 31 July and said:

“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 (HE). 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?”

Following on from that note, my understanding is that Stephanie Kitto of HC informally contacted HE to ask if there was anything which could be done to enable HE to withdraw their objection to the proposed site allocation. I understand the answer was a categorical no without significant further work being undertaken - which in itself would be no guarantee that the site allocation could be retained.

HE's objection has been sustained over a long time from the early stages of Plan preparation. Based on the evidence before me, I can see little option but to delete this site allocation from the Plan. This is because there is not enough certainty that the site can be developed satisfactorily and without causing harm to a Scheduled Ancient Monument which is of national importance. Secondly, the site assessment report reveals other sites which may be equally suitable for allocation. Given both scenarios, in my view the site allocation is unlikely to meet the basic conditions.

I asked you to consider what implications this might have for the Plan. As I see it, If the site is recommended for deletion from the Plan, this has the knock on implication that the Plan cannot meet its proportional housing target. In this scenario, regardless of what my report might recommend, and it would be difficult for me to support its progression, I understand that HC would not progress the Plan to referendum.

Therefore I am suggesting the options for a way forward are considered and to see whether you wish:

- a) the examination to be suspended (at my discretion) whilst further work is carried out to see if the objection to the site allocation can be satisfactorily resolved;
- b) the Plan to be withdrawn from examination to allow further work to be undertaken on the options for meeting the proportional housing target and to consider site allocations including the possibility of allocating new or different site(s); or
- c) for the examination to be concluded which may result in a recommendation that the Plan cannot proceed to referendum. In the event of option c) being pursued, it should be noted that even if I could recommend the Plan progress, it is unlikely HC would then take it any further. This then seems rather a fruitless exercise.

I understand informally from HC that the PC would now like a meeting with HC, HE, the County Archaeologist and I. This would then seem to be to discuss the merits of the site; this would then take the form of a hearing as this is the mechanism to discuss an issue.

From my perspective there is no need for a hearing (which are held at the discretion of the examiner and participants are invited by the examiner) because, as things currently stand, it is clear to me that the site allocation cannot be retained in the Plan. Therefore to hold a hearing may be regarded as wasteful of public expenditure. Should the PC wish to hold such a meeting to take place outside the examination process to see if matters can be resolved, that would require the examination to be suspended and I would play no part in that discussion i.e. option a) above.

I am happy to meet to discuss the way forward procedurally should this be helpful to HC and the PC. This meeting would be to discuss procedural matters only. However, in this note, I have now outlined the options as I see them and explained the position in more detail and this may well obviate the need for such a meeting.

I am now away from the office for an extended period of leave, but please let me have an update about how you might wish to proceed by 30 August.

It should be noted that any meeting or hearing called by me will need to be held in public with at least three weeks notice given. The earliest any meeting could be held from my point of view is at some point in October/November due to my absence.

This note is sent without prejudice to my ongoing consideration of the issues.

Ann Skippers

Independent examiner
15 August 2019