

Arnesby Neighbourhood Development Plan Review

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a distinctive vision for the neighbourhood area. The presentation of the Plan is good. The difference between the policies and the supporting text is very clear and the maps are well-presented.

The document is a very good example of a community reviewing its neighbourhood plan. The Plan itself and the Statement of Modifications capture the differences between the submitted Plan and the made Plan. Following the Parish Council's response to the earlier process note, the examination will proceed on that basis that a referendum is also required.

Points for Clarification

I have read the submitted documents and the representations made to the Plan, and have visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council. The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. Given the nature of the Plan, the questions focus on the new policies or those with significant revisions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy S2

This is an excellent policy which is underpinned by the impressive Design Guide and Codes. It delivers a local interpretation of Section 12 of the NPPF.

Policy HBE1

Is the Parish Council satisfied that the proposed housing allocation is deliverable within the Plan period?

Much of the supporting text comments about paragraph 14 of the NPPF and the District Council's housing land supply. Whilst it is understandable that the Parish Council has considered such issues, they reflect the interplay between the preparation of development plans and the development management process rather than being matters to be addressed in a neighbourhood plan. As such, I am minded to recommend modifications to the supporting text. Does the Parish Council have any comments on this proposition?

Policy ENV2

As the Plan comments, the policy sets out a comprehensive audit of open spaces and provides appropriate protection to the areas identified. The distinction between local green spaces (Policy ENV1) and open spaces is clear.

Policy ENV4

The policy has been appropriately updated to reflect changes in national policy since the Plan was made. Nevertheless, given that biodiversity net gain is now controlled nationally, is there any need for the revised policy to comment about this issue?

Policy BE3

Is the Parish Council satisfied that the proposed commercial allocation is deliverable within the Plan period?

Should the policy make a sharper reference to the proposed residential allocation to the south and to the existing residential property to the west?

Criterion f) proposes a restriction which the District Council will not be able to enforce. As such, I am minded to recommend that the criterion is modified so that it refers to the delivery of an appropriate number of parking spaces and turning facilities on the site. Criterion g) reads as a planning condition. As such, I am minded to recommend its deletion. Finally, the need for criterion h) has now been overtaken by the application of the Building Regulations (Part S) on the requirement for electric vehicle charging facilities. As such, I am minded to recommend its deletion.

Does the Parish Council have any comments on these propositions?

Monitoring and Review

Section 14 addresses these matters in a very positive way.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

Protocol for responses

I would be grateful for responses and the information requested by 24 September 2024. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy concerned.

Andrew Ashcroft

Independent Examiner

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5 September 2024