

Hargrave Neighbourhood Plan Examination

10th September 2021

Dear Qualifying Body

Clarification Note from the Examiner to Hargrave Parish Council

Further to reviewing the Hargrave Neighbourhood Plan and supporting information, I am contacting Hargrave Parish Council (as Qualifying Body) in respect of the matters set out below.

At this stage, having considered the submitted information, I am not calling for a public hearing as part of the examination process. However, Neighbourhood Planning Independent Referral Service (NPIERS) Guidance¹ Paragraph 1.11.4 states that:

“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...This may be particularly important where the matters concerned have not been raised at Regulation 14 stage. The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”

Therefore, I confirm that there is an opportunity for Hargrave Parish Council to respond to me in respect of the representations made during Regulation 16 consultation, should it wish to do so.

In addition to the above, I would also be grateful for any assistance Hargrave Parish Council can provide in respect of providing brief responses to the questions set out overleaf. If in doing so there is a need to refer to evidence relating to the Hargrave Neighbourhood Plan, please note that this should only comprise evidence that is already publicly available.

Thank you very much for your consideration of this Clarification Note.

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¹ NPIERS “Guidance to Service Users and Examiners.”

For clarity, in the light of all of the representations received, I have separated out my queries below, as follows:

- 1) General Query;
- 2) Plan and Plan-making Queries;
- 3) Policy Queries.

1) General Query

Paragraph 4.0.1 states”

“This written document is also illustrated by a Policies Map (available separately)...”

No separate Policies Map appears to have been submitted.

- ***Please can you clarify.***

2) Plan and Plan-making Query

Detailed representations have been made in respect of the Neighbourhood Plan and the plan-making and consultation process, with a particular focus on the changes made between the Draft and Submission versions of the Plan.

In this regard, I would welcome the Qualifying Body’s response to the detailed objections set out in the two Submission stage representations made by [REDACTED] and by [REDACTED].

Please can you comment on the representations made and why, taking the objections set out into account, the Qualifying Body considers that the relevant Policies of the Neighbourhood Plan meet the basic conditions ?

3) Policy Queries

Policy HNDP1 – The Policy refers explicitly to the Policies Map (rather than Figure 4, which shows the Settlement Boundary referred to).

- ***Should this reference be to Figure 4 ?***

A representation has been received in respect of the exclusion of land to the south west of All Hallows Church/west of Rylands and Forge House from the Settlement Boundary.

- ***Please could you comment in respect of this specific objection ?***

Policy HNDP2 – The Policy refers to “*small-scale roadside infill*” and provides a reference to the Glossary. However, the Glossary only defines roadside infill.

National policy and guidance requires a planning policy to be clear, unambiguous and drafted with sufficient clarity that a decision maker can apply it consistently and with confidence.

- ***Please can you point me to information and/or evidence that provides a clear indication of what is meant by the Policy reference to “small-scale” ?***

Policy HNDP3 – Taken together, the first three Policies of the Neighbourhood Plan appear confusing.

Policy HNDP3 allocates residential development land clearly capable of providing for at least 6 dwellings. In addition, Policy HNDP2 designates a Settlement Boundary, within which new development will be supported. However, Policy HNDP1 seeks to limit development in the Neighbourhood Area to no more than 6 dwellings.

As such, there appears to be conflict between the Policies of the Neighbourhood Plan.

- ***Is the intention of Policy HNDP3 to allocate land for 6 dwellings, for more than 6 dwellings, or for less than 6 dwellings, or for any number of dwellings subject to interpretation of the Policy requirements ?***

Policy HNDP3 itself appears ambiguous in this regard, contrary to the basic conditions – it refers to “a limited number of modest scale roadside properties in accordance with the indications of the HNDP.” The phrase “in accordance with indications” appears open to wide interpretation.

- ***Please can you point me to specific information in respect of how the phrase “key expectations” is meant to be interpreted by a decision maker ? Is a “key expectation” intended as an Policy requirement, something that should happen, or something that is a “nice to have” but is not necessary ?***

As set out, the key expectations in the Policy appear to include a number of vague things to consider, as well as absolute requirements to do what appear as ambiguous things – for example, there is a requirement to demonstrate “capacity to service the village” and to demonstrate “more than adequate capacity” (which services; why the whole village and not just the development site; what is the existing capacity, etc),

- ***Please can you point me to information in respect of what is adequate, why a development provide for something more than adequate, how much more and who would determine this/on what basis ?***
- ***Noting that national policy and advice requires policies to be deliverable, please can you point me to specific information and/or evidence that demonstrates that the key expectations are deliverable ?***

Policy HNDP4 – National and local policy does not require all new development (even in say, Conservation Areas) to enhance character and amenity.

- ***Please can you point me to evidence/information in support of this part of Policy HNDP4 ?***

Whilst I note the Policy requirement for charging points, Electric Vehicle (EV) batteries are normally located in EVs.

- ***What does the requirement for “battery storage for electric vehicles comprise” and please can you point me to information in respect of the need for/deliverability of this requirement ?***

Policy HNDP5 – As drafted, the Policy appears to support development that has adverse impacts on landscape setting so long as some mitigation is sought.

- *Is this the intention of the Policy ?*

Policy HNDP6 – Representations have been received, objecting to the designation of sites 5.1 and 5.3 as Local Green Space.

- *Please could you comment in respect of the objections to the designation of these two sites as Local Green Space ?*

Policy HNDP7 – Most forms of lighting do not require planning permission.

- *Please can you point me to information in respect of why part a) of the Policy meets the basic conditions ?*

Also, most forms of development tend to be small scale, eg, householder applications. Planning application requirements are set out nationally and by the Local Planning Authority and national policy; and national policy requires information requirements to be kept to the minimum needed to make decisions.

Policy HNDP7 appears to seek to impose additional requirements on all planning applications. Please can you point me to evidence/information to demonstrate that Policy HNDP7 is deliverable/appropriate, having regard to national policy; and to how the requirements of Policy HNDP7 would be judged, who by and on what basis ?

Policy HNDP8

- *Please can you point me to evidence/information re: how “undue pressure” and “enhanced infrastructure” will be judged (for example, information setting out the current base-line infrastructure for the Neighbourhood Area and information re: pressure/enhancement measurement) ?*
- *Please can you point me to information in respect of how this Policy can be delivered by all development ?*

Policy HNPD9

How should a decision maker interpret “will be protected”? Presumably this does not mean employing security guards, for example – is it therefore the intention of the Policy to prevent any form of development ?

Thank you.

Please note that the above queries do not imply any criticism of the Neighbourhood Plan. They are simply to help my understanding of the Neighbourhood Plan and to help support its examination against the basic conditions.

Also, I recognise that a number of queries are raised above. Taking this and the ongoing impacts of coronavirus into account, I am not setting a strict deadline for feedback, but would welcome an indication of when the Qualifying Body considers that it will be in a position to provide a response.

Thanks.
