

Whissendine Neighbourhood Development Plan

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 clear.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also 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.

I set out specific policy clarification points below:

The Whissendine Design Code

The supporting text throughout the Plan refers to the Design Code. In addition, several of the Figures are extracted from the Code. However, the Code does not appear to have been submitted for examination. Please can the Parish Council advise on this matter.

Policy WH1

Does the flexibility required by the second part of the policy relate to the initial design of the property?

Do the third and the fourth parts of the policy either overlap or address the same issue? If so, is the fourth part of the policy necessary?

Are the sixth and seventh parts of the policy intended to overlap? If not, is there a potential risk that two unrelated storage areas may be required for each new house?

The need for the eighth part of the policy has now been overtaken by the introduction of Part R of the Building Regulation in December 2022. In these circumstances I will be recommending the deletion of the policy and that supporting text is included in the Plan to provide an update about the Building Regulations.

Policy WH2

The policy addresses both community and sporting facilities. Different policies apply at a national level to these facilities and this issue is raised in the representation from Sport England.

Does the Parish Council wish to comments on that representation?

Given the national protection of sporting facilities could the policy focus more simply on community facilities?

Policy WH3

Am I correct to conclude that Parts 1b and c of the policy are intended to apply outside the development limits?

Policy WH4

This is an important policy of the Plan. Its content would suggest that it has been underpinned by the work on the Design Code (see the earlier question). Otherwise, the policy reads well.

Policy WH6

I saw the significance of the Windmill during the visit.

Are the two parts of the policy intended to apply to development proposals for the Windmill itself, or to other proposals in the immediate vicinity of the building?

Policy WH7

Is the missing reference in the first part of the policy to Figures 6 and 15?

I am minded to recommend that the order the two parts of the policy is reversed. Does the Parish Council have any comments on this proposition?

Policy WH8

The policy addresses a series of infrastructure and technical issues.

In principle this is an acceptable approach. However, to what extent does the policy bring added value beyond the contents of national and local planning policies? Is this matter more fully explained in the (unavailable) Whissendine Design Code?

Monitoring and Review

Section 1.3 of the Plan positively addresses these important matters and acknowledges that national and local planning policies may change within the Plan period.

I am minded to recommend the inclusion of an additional sentence on this point to indicate that the Parish Council would consider the need or otherwise for a partial or full review of the Plan within six months after the adoption of the emerging Local Plan. Does the Parish Council have any comments on this proposition?

Representations

Does the Parish Council have any comments on the representations made to the Plan?

The County Council makes a series of detailed suggestions about the way some of the Plan's policies should be modified to ensure that the Plan meets the basic conditions. I would find it helpful to have the Parish Council's comments on these matters.

Protocol for responses

I would be grateful for responses and the information requested by 12 September 2023. 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 County Council.

In addition, please can all responses make direct reference to the policy or the matter concerned.

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Independent Examiner

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21 August 2023