

Forest Edge South Neighbourhood Development Plan

Independent 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 very distinctive vision for the neighbourhood area. Its presentation is very good. The difference between the policies and the supporting text is very clear. The Plan effectively captures the landscape setting of the neighbourhood area and the relationship between the villages and the surrounding countryside.

The Plan is impressively underpinned by the extensive supporting text. The package of submission documents is proportionate to the neighbourhood area.

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 in the order in which they appear in the submitted Plan:

General policy approach

Several policies offer support to specific development proposals. Whilst this approach is positive, it does not take account of the need for the District Council to balance a range of issues in the development management process. In these circumstances, I am minded to recommend that the relevant policies are modified so that they set out the requirements for the development concerned rather than anticipating the outcome of planning applications.

Does the Parish Council have any comments on this proposition?

Policy 1

The policy takes a very positive approach to sustainable design. Nevertheless, I am minded to recommend that it is modified so that it can be applied on a proportionate basis.

Does the Parish Council have any comments on this proposition?

Policy 3

I am minded to recommend the reversal of the order of the first two parts of the policy to assist with its clarity. Does the Parish Council have any comments on this proposition?

Should the third part of the policy be worded so that it can be applied on a proportionate basis?

Policy 4

A Written Ministerial Statement was published on this matter in December 2023. Plainly this was after the Plan was prepared and submitted. A link is provided below:

[Written statements - Written questions, answers and statements - UK Parliament](#)

I am minded to recommend a modification to the supporting text to ensure that it refers to this matter. Does the Parish Council have any comments on this proposition?

Policy 5

This is an excellent policy. In the round it is a very positive local response to Section 12 of the NPPF. The Design Guidance is a first-class document.

Policy 6

Is the locally-distinctive element of this policy the identification of non-designated heritage assets (as set out in paragraph 12.18 of the Plan)?

Otherwise, do the elements of the policy on designated heritage assets bring any added value beyond national and local planning policies on this matter?

Policy 8

The proposed local green spaces are carefully described in the supporting text.

I am minded to recommend that the policy is modified so that it takes the matter-of-fact approach taken in paragraph 107 of the NPPF. Does the Parish Council have any comments on this proposition?

Policy 10

The policy has a complicated format. Please can the Parish Council explain its intentions.

Is the policy designed to address the way in which new buildings are configured and designed rather than to apply to existing buildings?

Policy 12

The policy takes a positive approach to the housing needs of older people. However:

- is criterion a) needed?
- is there a risk that the implications of criteria b) to f) may be onerous and prevent otherwise acceptable proposals from coming forward?
- is the final paragraph needed given that the listed facilities are frequently included in proposals for housing for older people?

Policy 15

The criteria in the policy are locally-distinctive.

Policy 16

The third part of the policy has now been overtaken by the Building Regulations.

As such, I am minded to reposition this element into the supporting text as a broader local context. Does the Parish Council have any comments on this proposition?

Policy 17

This is a good policy. Nevertheless, I am minded to recommend that the opening element of the policy is refined so that it comments about the practicability of achieving the elements of the policy and to ensure that the outcomes are proportionate to the development concerned. Does the Parish Council have any comments on these propositions?

Policy 20

Please can the Parish Council explain the intentions of the final part of the policy. Parts b) and c) appear to relate to matters which would not be 'development' in planning terms and therefore could not be addressed in a planning policy.

Policy 21

Does the second part of the policy set out the criteria with which proposals (as described in the first part of the policy) should comply?

Policy 22

Please can the Parish Council explain the intentions of the final part of the policy. As submitted, it would apply to proposals for 10 or more houses. In most cases, proposals for modest levels of new homes would not naturally generate the need to provide new retail floorspace.

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 7 March 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 or the matter concerned.

Andrew Ashcroft

Independent Examiner

Forest Edge South Neighbourhood Development Plan

15 February 2024