

Kelbrook & Sough 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 doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area.

The presentation of the Plan is very good. The difference between the policies and the supporting text is clear. The Plan makes good use of various maps. The various background reports helpfully underpin the policies. The Character Assessment, the site assessment work and the Green Spaces assessment are particularly informative.

A key element of the Plan is the way in which its vision and objectives inform and underpin the resulting policies. This provides assurance that the Plan has addressed key local issues. The relationship between the text and the policies is well-considered. The way in which the Plan comments about how the policies are informed by the Plan's objectives and national policy is very effective.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. In addition, I have visited the neighbourhood area and am now in a position 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 ensure that the Plan meets the basic conditions. This note does not seek clarification on each and every policy.

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

Policy KS DEV 1

This is a very effective policy which is underpinned by the Character Assessment.

In the second part of the policy, I am minded to recommend a modification so that the policy can be applied in a proportionate way based on the scale and nature of any particular proposal. Does the Parish Council have any comments on this proposition?

The final paragraph of the policy reads as supporting text rather than policy. Was this the Parish Council's intention?

Policy KS ENV1

Plainly this policy has been designed to be comprehensive in its nature.

In relation to green spaces, is the Character Assessment intended to be read alongside Appendix 3:4 (Green Spaces)?

Policy KS HER1

The policy has been underpinned by much local research and effort.

I am minded to recommend modifications to the second part of the policy to ensure that it has regard to paragraph 203 of the NPPF. Does the Parish Council have any comments on this proposition?

Policy KS HOU1

I looked at the proposed allocation carefully during the visit.

The first paragraph of the justification appears to explain the proposal for up to 10 homes in contrast to the 2017 planning permission for three dwellings. Is the final sentence of that paragraph the Parish Council's intention for the site or simply a comment about the potential capacity of the site?

Policy KS PATH

I can see that the policy celebrates the extensive footpath network in the parish. I saw several of these routes during the visit.

I am minded to recommend two related modifications. The first is to acknowledge that not all improvements to the network will need planning permission. The second would be to ensure that the policy can be applied on a proportionate basis based on the scale and nature of the development proposed. As submitted, the policy has a universal effect. Similarly, the majority of minor and domestic proposals would have no realistic opportunity to improve the footpath network.

Policy KS COM1

The way in which the policy links community facilities to their potential to be Assets of Community Value is an interesting approach.

As submitted, the policy's effectiveness depends on a successful application process to designate the five facilities as Assets of Community Value. In these circumstances, did the Parish Council consider crafting the policy based on the facilities being identified more generally as community facilities and pursuing a parallel programme of seeking their designation as Assets of Community Value?

In this context, is the second part of the policy supporting text rather than policy?

Representations

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

The Borough Council suggests a series of refinements to some of the policies to ensure that they meet the basic conditions. Does the Parish Council have any specific comments on the Borough Council's representation?

Does the Parish Council wish to comment on the representation from YLBD on the details of Policy KS HOU2?

Protocol for responses

I would be grateful for responses by 7 June 2022. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others, I would 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 Borough Council and make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Kelbrook & Sough Neighbourhood Development Plan.

17 May 2022