

**Arches Neighbourhood Plan Examination**

**8<sup>th</sup> August 2023**

Dear Qualifying Body

**Clarification Note from the Examiner to Arches Neighbourhood Forum**

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

I also note that there is a Teams Meeting diarised for 3pm on Monday 21<sup>st</sup> August at which any questions relating to the matters raised can be discussed in further detail.

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) Guidance<sup>1</sup> Paragraph 1.11.4 states that:

*“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”*

I therefore confirm that there is an opportunity for Arches Neighbourhood Forum to respond to any of the representations made during Regulation 16 (the Submission stage) consultation, should the Forum wish to do so.

In addition and in the interests of clarity, I would also be grateful for any assistance Arches Neighbourhood Forum can provide in respect of providing brief written responses to a number of questions I set out in this letter. This will enable the Forum’s responses to be published on the relevant website.

In responding, when referring to evidence relating to the Neighbourhood Plan, please note that this should only comprise evidence that is already publicly available.

I am not imposing a deadline for written responses and we can discuss timescales during the call on the 21<sup>st</sup> August. On receipt of the written responses, I will proceed to the conclusion of the examination and within 2-3 weeks of receipt, will provide the fact-checking draft of the Examiner’s Report. Fact-checking turnaround is quick (a few days), enabling timely publication of the final Report and recommendations.

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<sup>1</sup> NPIERS “Guidance to Service Users and Examiners.”

Please note that the questions below require written responses - to be published. Any queries/clarification relating to the questions can be raised on the 21<sup>st</sup>, but please note that the 21<sup>st</sup> is not public forum and does not provide an opportunity to debate or to answer the questions set out.

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

Kind regards.

*Nigel McGurk*

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Arches Neighbourhood Plan**

### **Housing Policies**

Is Policy HO3 intended to ensure that there is no reduction in family housing ? For example, it could be that redevelopment results in the replacement of family housing (and no net loss).

The words “*designed in line with regard to*” in Policy HO4 are unclear – would the simpler/clearer “*with regard to*” achieve the aims of the Policy ?

Policy HO6 refers to the number of occupants, which is something that could change over time for any number of reasons and is a factor largely outside the scope of land use planning policies. Is the Policy intended to refer to the numbers of bedrooms ?

Policy HO7 appears confusing and as set out, is in conflict with national policy. Is there something that the Neighbourhood Plan is seeking to add to national policy in respect of heritage assets ?

Re: Policy HO8, what is *adequate* water and wastewater capacity for what level of generated needs ? Please can you point me to the detailed evidence in this regard and also, to evidence demonstrating why this is a land use planning policy requirement as opposed to say, a statutory responsibility relating to utility provision.

What are the identified needs of the community, as referred to? What is network reinforcement, as opposed to any other infrastructure works and what is the precise phasing mechanism and please can you point me to the justification for such? Please can you point me to evidence in respect of why access to existing underground infrastructure for maintenance and upsizing is a land use planning policy requirement as opposed to say, an infrastructure provider / building regulations requirement? Is there a definition of “access to” that you can point me to?

### **Built and Natural Environment Policies**

Is Policy BNE1 intended to support public realm improvements, or (as worded) to support any proposal for any form of development anywhere so long as it includes public realm improvements?

Similarly, is Policy BNE3 intended to support the provision of new public open space or improvements to existing public open space, or (as worded) to support any proposal for any form of development anywhere so long as it includes new POS or improvements to POS?

Policy BNE3 imposes new requirements on open space – please can you point me to evidence demonstrating the deliverability of (what seems like an onerous requirement re:) providing various activities, including sports and recreational facilities, on *all* new and improved areas of public open space.

Policy BNE3 supports the removal of public open spaces, so long as there is increased biodiversity net gain and replacement of open space function elsewhere. Is this the intention of the Policy?

Policy BNE4. Please can you point me to information in respect of how a development can be provided in conjunction with a British Standard and why this is a land use planning requirement?

Please can you point me to evidence of the deliverability of 25% canopy cover requirement for all non-householder developments. Please can you point me to information in respect of how maximising opportunities for canopy cover will be measured – how will a decision maker determine that opportunities have been maximised?

Please can you point me to the definitions of “heavy” and “extra heavy.”

Please can you point me to information in respect of how planting will be prioritised in areas of poor air quality/high density housing – the Policy does not appear to provide any mechanism for such prioritisation.

Policy BNE5. Please can you point me to information in respect of how all applicants for development can demonstrate that they avoid indirect harm to nature sites ? What is this part of the Policy actually intending to achieve, noting that designation provides protection ?

Please can you point me to a justification for the requirement for all development proposals to promote conservation, restoration and enhancement of priority habitat deciduous woodlands ?

### **Sustainable Transport Policies**

Policy ST1. Please can you point me to evidence in respect of what existing local air quality is; what the required level of improvement is; and to the specific, deliverable requirements for housing development in this regard ? Please can you point me to evidence of the deliverability of a requirement to be in accordance with any local air quality action plan ?

When will it be *appropriate* to include the criteria set out in the bullet points ?

Is Policy ST2 intended to support the revival or creation of new routes for active travel, or (as worded) to support any development anywhere so long as it supports the revival or creation of new routes for active travel ?

Policy ST3 – why might traffic management measures that resulted in improvements not be supported and why might this be a land use planning policy matter as opposed to a highways/traffic management matter ?

Policy ST4. Please can you point me to evidence in respect of the deliverability of a requirement for all new car parking spaces to have electric chargers ?

### **Local Economy Policies**

Policy E1. Is the Policy intended to support the provision of new business space with FFTC or FFTP ? Is there any evidence to demonstrate how the Neighbourhood Plan will deliver low rent space ?

Policy E2 appears to support any development anywhere within 15 minutes of services/facilities. Is this the intention of the Policy ?

Policy E4. Please can you point me to information in respect of how harm to health and well-being arising from development will be measured ?

Please can you point me to a map showing which areas of the Neighbourhood Area would be impacted by the Policy ? Please can you also confirm that no hot food takeaways are located in these areas ?

Please can you point me to evidence supporting the 400m zone, eg, the difference to health and well-being outcomes in respect of a hot food takeaway being located within 375m of a school and one being located within 425m of a school ?

### **Community Spaces Policies**

Policies CS2 and CS3. Please can you point me to information in respect of when it will be *justified* for development proposals to contribute to the provision of sports facilities and outdoor play spaces; and/or to include improvements to the provision of green spaces ?

### **Site Allocations**

Please can you point me to evidence justifying use of the Design Code as an absolute policy requirement ?

In this regard, I am particularly mindful of the approach to building heights. The Design Code appears broad-brush and includes general references to disliked existing buildings rather than to a clear design rationale for limiting future building heights.

In the light of the need to boost significantly housing supply, make effective use of land, and taking account of the established character of the area, the restrictions on building heights appear to place an obstacle in the way of sustainable development.

Please can you point me to specific design-based assessments demonstrating that a more flexible, design-led, approach to building heights than that set out in the Design Code would necessarily fail to contribute to the achievement of sustainable development ? Also, can you point me to evidence of the deliverability of the Site Allocations, noting representations questioning the viability of regeneration proposals limited to 6-storey building heights.

***Thank you for your consideration of all of the above.***

***Please note that the purpose of the above is not to criticise the Neighbourhood Plan but to help my understanding of the Policies and to help to support the Neighbourhood Plan's positive examination against the basic conditions.***

***Thank you.***

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