

## **Rode Neighbourhood Plan Examination**

### **Note and questions of clarification from the Examiner to MDC and the Parish Council**

Having completed my initial review of the Neighbourhood Plan (the Plan) and the evidence submitted in support of it, I would be grateful if both Councils could kindly assist me as appropriate in actioning the following notes and in answering the questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. In general terms I will not usually accept late or additional representations from any party unless there has been a material change in circumstances since the six-week period of consultation has ended; this might include case law or a change to national policy.
  - a) I note the additional letter from Tetlow King Planning of 18 January 2017 which requests a hearing in view of a Written Ministerial Statement of 12 December 2016. I consider that it is important that any correspondence is managed by the LPA and that the Examiner, in order to retain independence and in the interests of openness and transparency, does not enter into correspondence with individual parties. Having read the representation, I would like to request that the LPA briefly responds to Tetlow King Planning indicating that the letter has been drawn to my attention and reassuring them that I am aware of the WMS as any Examiner would be as part of their general practice and that I will reach a view on the need for a hearing as part of the examination.

[I can confirm that the LPA has responded.](#)

- b) The LPA has sent me an additional response to the representations. I have carefully considered whether to accept this or not. I have decided that it would be helpful and proper to do so because I would have asked for this clarification had it not already been presented by the LPA. You have also placed it on your website and so it is within the public domain.
    - b) I have received further correspondence direct from the Parish Council in response to the representations made. I have consistently refused to accept such representations on other examinations that I have undertaken; I appreciate practice amongst Examiners may vary on this. I do appreciate the concern experienced by Parishes caused by some representations at the Regulation 16 stage and the desire to have a 'right to respond'. Please would the LPA reassure the Parish Council that I will deal with any Regulation 16 representations and should I need further information etc. to enable me to do that properly, I will request this or hold a hearing.

I can confirm that the LPA has responded.

The Neighbourhood Plan Group has commented that they are concerned that an additional response is acceptable from the LPA but not from them. They understand that, as the examiner notes, qualifying bodies do not get an opportunity to respond to Reg16 comments. However, they understand it is reasonably common practice for qualifying bodies to be invited to offer further clarification for this reason. They ask the examiner to please also consider their clarification on Reg16 comments, along with that of the LPA.

2. I note that the LPA website seems to contain a typo in referring to the end of the Regulation 16 period as 4th October rather than the 14th in one place and I'd be grateful if this could be remedied if I am correct on this point.

The typo has now been corrected.

3. It seems that both sites (Church Farm and Lower Street) referred to in Policy 1 have planning permission for development and, if this is correct, please let me have brief details about the proposals and a site plan.

Site adjacent to 14 Lower Street has permission for 8 houses granted on appeal. Site reference is 106910/003. Site plan, ground floor layout, decision notice and appeal decision notice are attached. The permission is for 8 houses and extension and renovation of the adjoining house. The extension and renovation has been carried out and the permission for 8 houses remains live despite having been granted in 2008.

Site at Church Farm has outline permission for 44 dwellings, employment use and associated works granted in 2012. Decision notice and site plan are attached. The employment use is on a separate block of land further to the south west which is shown on the plan, and has already been constructed. Approval of reserved matters application is currently being determined. Application form and layout plan are attached.

4. Please indicate Merfield House and the area subject to Policy 2 on a site plan.

The Neighbourhood Plan Group confirms that Merfield House and outbuildings are shown on the attached plan. Policy 2 relates to the existing buildings. Ownership of the curtilage and surrounding fields means that, should it be required, any future development would be able to provide alternative pedestrian provision

5. Please provide me with a copy of the Conservation Area Appraisals or a link to them.

The conservation Area Appraisal can be viewed at [www.mendip.gov.uk/conservationareas](http://www.mendip.gov.uk/conservationareas)

6. Please inform me what the site area is for Brown's Ground that is proposed as Local Green Space in Policy 12.

Site area is 3.05 ha.

7. Is it the intention that Policy 13 (Open Spaces) only applies to those five areas referred to in the policy and shown on Map 5? (I note that three green areas around The Mead development are linked together in the policy).

The Neighbourhood Plan Group confirms that this is correct and sites have been allocated as Open Space and Local Green Space as relevant.

8. Please could you send me a copy of, or link to, the Bristol Allotments Strategy referred to in the preamble to Policy 14 and briefly outline what the status of this document is and how it is applicable to the Plan area.

Document attached.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks

Ann Skippers  
10 February 2017