

INDEPENDENT EXAMINATION OF FARRINGDON NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Alana Sayers
Clerk to Farringdon Parish Council

Angela King
East Devon District Council

Examination Ref: 01/DH/FNP

Via email

11 November 2020

Dear Ms Sayers and Ms King

FARRINGDON NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Farringdon Neighbourhood Plan (FNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Farringdon Parish Council (FPC) as Qualifying Body and a smaller number for East Devon District Council (EDDC). These are attached as an Annex to this letter.

Examination Documentation

I can confirm that I have access to a complete copy of the submission FNP and accompanying documentation, including the Basic Conditions Statement (July 2020), the Consultation Statement (July 2020), the Screening Opinion for Strategic Environmental Assessment and Habitats Regulations Assessment (May 2020), the Housing Needs Assessment (January 2020) and the Regulation 16 representations. I am satisfied that I have the relevant evidence to enable me to undertake the examination.

Subject to my detailed assessment of the submission FNP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing Monday 29 November, subject to such a visit being in accordance with Government advice on travel, regarding the COVID-19 outbreak. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

Further Clarification

I have a number of initial questions seeking further clarification from both FPC and EDDC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **three weeks** of receipt of this letter.

Examination Timetable

As you will be aware, the intention is to examine the FNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, bearing in mind I have raised a number of questions to which I must provide the opportunity for the preparation of an appropriate response, the examination timetable will be extended. Please be assured that I will seek mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the time of my site visit and on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the District Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft FNP and the supporting evidence, I have 4 questions for EDDC, 11 questions for FPC and two questions where, if possible, a joint response should be provided. I have requested the submission of a response within **three weeks** of receipt of this letter.

Questions for both East Devon District Council and Farringdon Parish Council (2)

I would prefer a joint response to these questions but if that cannot be successfully achieved then independent responses should be submitted by the two parties.

1. Paragraph 009 ID: 41-009-20190509 of the Planning Practice Guidance, advises that ‘where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan’.

Could the Councils confirm that such discussions have taken place and summarise any conclusions that were drawn?

2. In the last sentence of the Submission Version Representation Form submitted by McMurdo for Stuart Partners Ltd (in the box under Question 4) it states that their client ‘has not been properly consulted’. Can the Councils confirm that the consultation that has been undertaken follows the published guidance on the matter, for example in the chapter of the Planning Practice Guidance entitled ‘Neighbourhood Planning’ (see paragraph 047 Ref ID: 41-047-20140306).

Questions for East Devon District Council (4)

1. I have read the report to the Strategic Planning Committee on 20 October 2020, regarding the proposed approach to planning for the production of a new local plan for East Devon. Could the Council confirm the outcome of that meeting and summarise the timetable for the production of the ‘new’ local plan.

2. Can the Council confirm that the policies in the FNP, if made, would not unduly influence or constrain any emerging policies in the Local Plan Review?

3. Can the Council confirm that it is satisfied that the reference in the second sentence of paragraph 8.7 of the FNP, that ‘the HNA applied the Government’s Standard Methodology’, is correct and that therefore the allocation of up to 12 new homes being proposed (policy Farr5) is justified? (see also question 7 to the Parish Council).

4. In the letter from McMurdo Land Planning and Development Ltd dated 16 October 2020, that accompanied their representation, in the fourth bullet point on the third page it states that ‘the Council itself accepts that land in and around Hill Barton is suitable for development’. It goes on to include a quote from an unnamed source. Could the Council summarise its current position with regard to land at Hill Barton? (see also question 10 to the Parish Council).

Questions for Farringdon Parish Council (11)

1. Paragraph 3.14 refers to the National Planning Policy Framework 2018. Can I assume that this should be the 2019 version? Are there any other such references that require up-dating?

2. What would constitute 'exceptional circumstances' as referred to in policy Farr1 (a). How would a decision-taker know?
3. Paragraph 7.12 refers to the 'community benefit to be gained'. But there is no reference to this concept within policy Farr1 itself. What is the purpose and justification for this reference in paragraph 7.12?
4. Has FPC considered what measures might be required in new development in order to ensure that tranquillity and dark skies are maintained, as referred to in policy Farr2. How would a decision maker know what is expected by the Parish Council?
5. How would a decision maker know how to distinguish between large, medium and small trees as referred to in policy Farr3 D?
6. Is there any reason why policy Farr5 does not include a requirement for the provision of electric vehicle charging points in new dwellings? Is such a requirement covered by other local policy guidance?
7. Paragraph 8.7 of the FNP refers to a housing need for Farrington of 13 dwellings (as set out in the Housing Needs Assessment). What is the justification for only proposing up to 12 new homes in policy Farr5?
8. How will the FPC ensure that the 12 new dwellings referred to in policy Farr5 are located in sustainable locations within the Parish?
9. The supporting text in paragraph 8.16, refers to meeting a need 'from local households' but this does not appear to be reflected in policy Farr5. In preparing the Plan, did FPC consider introducing a restriction to ensure that new dwellings be retained in perpetuity for people with a clear local connection – thus contributing to meeting local need? If so, what conclusions were drawn? Are there any reasons such an approach was not taken?
10. Is there any reason why the extent of the employment site, as identified on the Hill Barton Inset Map (in relation to policy Farr6) does not follow the site boundary as identified in the Devon Waste Plan (December 2014) on Map W6C: Hill Barton?
11. It is not clear to me what qualifies as being a 'tourism related business', as referred to in policy Farr8. In order to facilitate the task of the decision maker, can the FPC provide a definition of what constitutes such a business?