

INDEPENDENT EXAMINATION OF THE ESCRICK NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: Patrick Whitehead DipTP (Nott) MRTPI

Tudor Rees
Escrick Parish Council
NDP Team Leader

Ryan King
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Selby District Council

Examination Ref: 01/PW/ENP

21 April 2022

Dear Mr Rees and Mr King

ESCRICK NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Escrick Neighbourhood Plan (the Plan/ENDP) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Escrick Parish Council (EPC) to which I would like to receive a written response by **Thursday 5 May 2022**.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 25 April 2022. The site visit 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.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. 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 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.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from Escrick Parish Council.

I have several questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response by **Thursday 5 May 2022**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (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, as I have raised several questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report

If the Parish Council or Local Planning Authority has any process 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 is placed on both the Parish Council and the Selby District Council websites?

Thank you in advance for your assistance.

Yours sincerely

Patrick T Whitehead

Examiner

ANNEX

From my initial reading of the Escrick Neighbourhood Plan 2020-2033 and the supporting evidence, I have the following questions for Escrick Parish Council. If Selby District Council (SDC) has any observations on the questions, these would also be welcome. I have requested the submission of responses by **Thursday 5 May 2022**, though an earlier response would be much appreciated.

- a. A revision to the National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government on 20 July 2021 alongside a revised Planning Practice Guidance and final version of the National Model Design Code. Section 3 of the Basic Conditions Statement refers to the 2019 version of the NPPF – please confirm this is an error. It would appear the references to the respective NPPF paragraphs in the Basic Conditions Table 1 are (correctly) to the July 2021 version?
- b. Section 4 of the Basic Conditions Statement and paragraph 1.1.4 identify the Development Plan as comprising the Selby Core Strategy 2013. It appears that the Development Plan also comprises saved policies of the Selby District Local Plan 2005. Can assurance be given that these saved policies have been taken into account, where appropriate, to ensure the ENDP is in general conformity with the strategic Development Plan policies?
- c. Selby District Council has raised a number of issues at Regulation 16 stage (statement dated 28 March 2022). Is EPC able to offer written responses to these issues, with particular reference to the SDC comments on Objective 2 and Policy H1, and Policy NE1? Additionally, I would also particularly welcome any comments EPC may wish to make in response to issues raised in Representation no. 13.
- d. Policy CF1 opposes the removal of community facilities “except in exceptional circumstances”. Can EPC elaborate on what form those exceptional circumstances might take? For example, would EPC expect a proposal to be supported by evidence that the facility is no longer economically viable for its current use?
- e. Policy CF2 identifies a number of sites as Local Green Spaces (LGS). All of the sites appear to be entirely within the Green Belt. Many are also afforded protection through a variety of designations such as Sites of Importance for Nature Conservation (SINCs) and as Local Amenity or Recreational Open Spaces. Since the NPPF requires that policies for managing development within a LGS should be consistent with those for the Green Belt¹, is EPC confident that Policy CF2 will provide additional local benefits to the level of protection already afforded by the Green Belt and other designation?² Can EPC also confirm that all landowners of the proposed LGS have been notified of the intention to designate?³
- f. Can the location of the “unimplemented planning permission” referred to in the justification for Policy H1 be identified and, since it is referred to as an “allocation”, does EPC accept that (if this is the intent) it should be identified in the ENDP? (See also question q. below). Can EPC give an indication of what it considers an “appropriate scale” of development might be?

¹ NPPF, paragraph 103.

² See PPG section Open space, sports and recreation facilities, public rights of way and local green space, Reference ID: 37-010-20140306.

³ PPG section as footnote 1, see Reference ID: 37-019-20140306.

- g. Is it the intention that Policy H3 should be directed at larger scale developments? If this is the case, does EPC have a working definition of what would constitute a larger scale?
- h. Should Policies H5 and H7 make specific reference to the settlement development limits defined in the Local Plan?
- i. A number of policies refer to a requirement that proposals should be in accordance with the guidance set out in the Escrick Design Code. Since the development plan should be read as a whole, is it necessary for policies H2, H4, H6, H7 and BEH2 to include similar references to the Design Code? I assume from '1.2 Process' that the Design Code is appended to the NPPF as per the advice in the Planning Practice Guidance (PPG)⁴ i.e. it has not been subject to any prior formal adoption process.
- j. Policies ED1, ED2, ED3, ED4, ED6 and MT3 include a requirement for proposals to comply with other relevant development plan policies. Bearing in mind the advice that the development plan should be read as a whole, are these requirements necessary?
- k. Policy ED2 refers to "suitable required retail and service outlets". Can EPC provide clarity of intent for the policy and indicate what test would be used to demonstrate that an amenity is no longer viable?
- l. Should Policy MT4 be distinguished as a wider non-land use community aspiration rather than a statutory planning policy aimed at the control of land-use proposals?⁵
- m. How does EPC propose to measure the "net gain of at least 10%" in biodiversity? Is the requirement for a tree replacement ratio of 3:1 evidence based? Can the evidence for the ratio be provided?
- n. Is the Policy NE3 encouragement for the use of permissive rights of way and the provision of new ones a wider non-land use community aspiration rather than a statutory planning policy aimed at the control of land-use proposals?⁶
- o. Can EPC advise how Policy BEH1 is clearly distinct from, and not a duplication of drainage and flood prevention requirements built into the Core Strategy, particularly Policy SP15?
- p. Is the second bullet point of Policy BEH4 simply an unnecessary duplication of the similar requirement built into Policy MT2?
- q. Is it the intention of EPC to produce a Policies Map for the post examination version of the ENDP, should it proceed to Referendum? Can EPC confirm that this will show the allocation referred to at question f. above (as well as existing features and designations such as boundaries to the Green Belt, Conservation Area, Flood Zones, defined development limits, SINC, etc).

⁴ PPG section Design: Process and Tools, Reference ID: 26-008-20191001.

⁵ PPG section Neighbourhood Planning, Reference ID: 41-004-20190509.

⁶ See footnote 5.