

Ardleigh Neighbourhood Plan Examination

Questions of Clarification and Note of Interim Findings from the Examiner to the Parish Council and Tendring District Council (TDC)

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available. I also set out some interim findings.

Questions of clarification

1. Please could TDC confirm that the Plan area map shown on page 7 and again on page 107 of the Plan correctly shows the Plan/Parish boundary as designated by TDC? Please send me a map of the designated area. **Up to date maps of the designated areas have been submitted to TDC.**
2. Please could the PC confirm whether it wishes to make any comments on all or any of the representations received at Regulation 16 stage and send any such comments to me as part of its response to this stage of the examination. There is no obligation to do so; it is only if the PC wishes to. Please note that no new evidence can be submitted as part of the response. **A spreadsheet showing our initial response to the Regulation 16 comments has been prepared and is attached.**
3. Please could you direct me to the specific source of the footnote at the bottom of page 47? **Refer back to TDC.**
4. Please confirm that no representations from interested parties on proposed Local Green Spaces i) Reservoir Land is next to Ardleigh reservoir or ii) Manor House Meadow have been received at submission stage. I am simply checking I have not missed anything. **None received.**
5. A SEA and HRA Screening Report has been submitted. The following queries arise:
 - a) The Screening Report indicates that a former community centre is allocated for redevelopment as a small housing scheme (page 35 of the Screening Report refers). I cannot find any reference to this in the Plan; has this allocation now been removed from the Plan?
 - b) Was the Screening Report subject to the requisite consultation with the statutory bodies? Assuming it was, please forward a copy of their responses to me (or confirm no responses were received).
 - c) Please can TDC confirm they are satisfied in relation to SEA and HRA requirements?
 - (a) **We think this refers to development of housing on the site of Ardleigh Hall. This has been completed and therefore not part of the Plan. Confirmation from TDC.**
 - (b) (c) **TDC to confirm.**

Interim Findings and Likely Recommended Modifications to the Plan and its policies

A The relationship of the Plan with the Tendring/Colchester Borders Garden Community

As we know, some of the land earmarked for the proposed Garden Community falls within the Plan area. It is important given the strategic nature of the site which has support in adopted policy that this Plan does not adversely affect the delivery of the site. I note the various references throughout the Plan that there is no intention to prevent or discourage any development permitted by the Local Plan and there is no reason for me to think this is not the case. I am also mindful of the Development Plan Document which is currently at a latter stage of its production, but not yet adopted.

I note and welcome that various elements of some policies exclude the Garden Community, but I consider that this Plan should make it clear without any doubt that it does not apply to the Garden Community. There is precedent for this in that Local Plan Section 2 makes it clear that it applies to the areas outside of the Garden Community. I intend to add a paragraph to this effect. This will of course create various consequential amendments throughout the Plan including to the section on planning policy context.

I invite comments on this proposed course of action from the Parish Council and TDC.

APC met with Lichfields and TDC to discuss their objections after the Regulation 14 consultation. APC discussed changes with them to satisfy their concerns and they verbally agreed the changes. They now seem to have backtracked on this verbal agreement. We note the examiners comments and look forward to seeing her suggested changes.

B Potential Changes to the Plan

At this stage, I would like to make the Parish Council aware that unfortunately I have found that it will be necessary to make quite a lot of modifications to policies and the supporting text. In some cases, I regard these changes to be minor revisions, but others may be regarded as more significant by those involved in the production of the Plan and of course by the local community.

In essence the policies subject to more rigorous modification are HP, EP, LGP (including deletion of some of the proposed Local Green Spaces) and TP.

In relation to the supporting text, modifications are recommended in the main to correct inaccuracies. An example of this is that Safeguarded Open Spaces identified in the Local Plan are not the same as Local Green Spaces.

A further example of a likely modification is to the status of Village Design Statement as put forward in the Plan. Documents of this nature would usually be regarded as guidance which can be referred to in a policy and taken into account but would not have the same status as the Plan itself.

I understand this will be disappointing news to those involved in the production of the Plan. I am drawing the Parish Council's attention to this scenario now as recommending numerous changes can come as an unpleasant surprise on receipt of my report and mean that community ownership of the Plan becomes diluted. I must also ensure I am not rewriting the Plan (and indeed would not wish to, or be appropriate for me to, do so) in making modifications.

I am not inviting any comments on Point B. I am also not seeking, and will not accept, any representations from other parties regarding any of the matters covered in this Note at this stage.

I would be grateful to receive a response to the queries by Friday 1 September. If the completed responses can be sent to me earlier, then I will be able to progress the examination more quickly. We look forward to seeing the potential changes to the plan. We trust that we will then be invited to comment on the proposals.

This note will be a matter of public record and should be placed on the relevant websites at earliest convenience.

With many thanks,
Ann Skippers MRTPI
Independent Examiner
18 August 2023

Comments in red added by Ardleigh Parish Council and agreed at meeting of 11 September 2023.