

# INDEPENDENT EXAMINATION OF THE DARNHALL NEIGHBOURHOOD PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Councillor Richard Strachan  
Darnhall Parish Council

Charlotte Aspinall  
Cheshire West and Chester Council

Examination Ref: 01/AM/DNP

14 December 2020

Dear Cllr Strachan and Ms Aspinall

## DARNHALL NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Darnhall Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters.

### 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 intend to undertake a site visit to the neighbourhood plan area (subject to on-going government advice) during the week commencing 14 December 2020. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site 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 (as well as respecting the current COVID-19 distancing arrangements).

I may have a number of 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(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.

#### 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 the Cheshire West and Chester Council and the Qualifying Body.

I have some 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 Friday, 15 January 2021**.

#### 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, in the event I do have questions as a result of my site visit, I must provide the opportunity for you to reply. This would mean that the examination timetable would be extended. Please be assured that I would seek to mitigate any delay as far as is practicable. The IPE office team will keep you updated if there are any changes to the anticipated site visit date and, in due course, the delivery date of the draft report.

If you have 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 that a copy of this letter is placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

*Andy Mead*

Examiner

## ANNEX

From my initial reading of the Darnhall Neighbourhood Plan (DNP) and the supporting evidence, I have the following questions for the Qualifying Body and the Cheshire West and Chester Council (CWaCC). I have requested the submission of responses **by 15 January 2021**, albeit an earlier response if at all practicable would be much appreciated.

### 1. Policy CE1

- a) CWaCC suggests the protection of ancient woodland is strengthened in the policy. Does CWaCC have any proposed additions to or rephrasing of the policy to achieve that aim?
- b) The policy refers to Figures B and C in the Plan. CWaCC indicates that these plans have been superseded by the Ecological Network for Cheshire West and Chester (July 2016). The document is also referenced at paragraph 1.9 in the Local Plan (Part Two). Does the suggestion from CWaCC mean there should not be replacement maps in the DNP and to rely instead on the CWaCC Interactive Local Plan Map? Alternatively, are there replacement maps which may be used in the DNP and, if so, please could an internet link be provided to them?
- c) The same questions arise for the map at Appendix 3, which CWaCC suggests is now out of date being replaced by the Ecological Network referred to above. Is a replacement map proposed, or should the Interactive Local Plan Map be used?
- d) Are there similar issues with the maps at Figures D and E? Should they be replaced by a reference to the Ecological Network?

### 2. Policy CE2

Should the reference to Figure C be replaced by a reference to the Ecological Network or an alternative map?

**The questions above are directed to CWaCC, but I would welcome any comments which Darnhall Parish Council (DPC) may wish to make.**

### 3. Policy CE5

**Question to DPC.** Does the Parish Council agree that the reference in the policy to replacement trees should be to at least two trees for each tree lost, in order to have general regard to Policy CE3 of the Local Plan?

### 4. Policy CE5

- a) **Question to CWaCC.** CWaCC suggests that reference should be made to the Upper Weaver Valley Area of Special Landscape Value (ASCV) in Policy CE5. Additionally, reference is made to the Upper Weaver Valley as an ASCV in paragraph 13.15 of the DNP. However, Policy GBC5 of the Local Plan (Part Two) merely refers to the Weaver Valley in the ASCV list. Which is the correct description? If the Weaver Valley ASCV designation is included in Policy CE5, does CWaCC wish to suggest an appropriate addition to the policy? Is the Weaver Valley ASCV as shown on the map at Appendix 7?
- b) **Question to DPC.** Policy CE5 refers to Policy RCLE6 which, in turn, deals with Renewable Energy Installations. How might future developments “respond positively” to the local landscape character?

**5. Policy RCLE1**

**Question to DPC.** Should support for rural tourism be included in clause a., following from paragraph 14.4 of the Plan?

**6. Policy RCLE3**

- a) **Questions to DPC.** Please could a definition of “commercial” be given in order to include it in the glossary? Alternatively, should the policy title refer to “employment” development as in the first phrase of the policy text.
- b) How would the density of employment development be measured?

**7. Policy RCLE4**

**Question to DPC.** Does the Parish Council have any comments on the changes CWaCC suggest to Policy RCLE4.

**8. Policy RS13**

**Question to CWaCC.** Please could the difference be explained between a “carriage footway” and a “PROW footpath” referred to by CWaCC (The Council’s PROW Asset Management Officer)?