

Clifton Hampden Neighbourhood Development Order

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Order. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Order provides a comprehensive package of supporting material. Whilst I have some detailed questions on some of the documents, the wider package has been carefully considered and presented.

For clarity, this note refers only to the submitted Order. A separate note has already been prepared on the Burcot and Clifton Hampden Neighbourhood Development Plan.

Points for Clarification

I have read the submitted documents and the representations made to the Order. I have also looked at the two sites. I am now able to raise issues for clarification with the Parish Council. Further questions may arise during the examination of the Order.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in determining whether it meets the basic conditions.

The questions are based around the various submitted documents as follows:

Green Belt Assessment

In the round the Assessment is very helpful.

Paragraphs 4.1 to 4.9 make a series of general statements about the way in which the Order would impact on the five purposes of the Green Belt. This approach is then continued for the remainder of Section 4 insofar as it applies to sites A-H.

Is there any information in other documents which advise about which purposes of the Green Belt applied to the sites addressed in the Order at the time that the Green Belt was originally identified? If necessary, I am happy for the District Council to assist in answering this question.

Surgery Evidence Paper

The details on the proposed replacement surgery are also very helpful.

It would be helpful if the Parish Council would advise on the following matters:

- the current opening hours of the surgery in Watery Lane;
- the proposed opening hours of the new surgery;
- the level of services to be provided in the new surgery (both generally and in comparison, with the existing level of service); and
- the extent to which the proposed surgery will be providing medical services to people in the parish and to communities outside the neighbourhood area (as part of the wider operation of the Clifton Hampden Surgery) and consolidating the operation of other surgeries elsewhere.

If necessary, I am happy for the Clifton Hampden Surgery (CHS) to assist in answering these questions.

Viability Assessment

The Assessment was submitted in draft format (and in November 2022).

Is it intended to submit a final (and/or updated) version of the Assessment to inform the examination?

Draft Section 106 Agreement

This level of detail is helpful at this stage of the examination.

Am I correct to assume that the references in the draft Agreement to a planning application should be to the Order?

Part 2.4 of the Second Schedule anticipates a situation where either the surgery is not constructed (by agreement) or that (in the absence of CHS's engagement) the owners of the land construct the surgery.

Three questions arise from this part of the Agreement as follows:

- what is the current position of the Surgery in terms of the wider package;
- is it anticipated that the Surgery will become directly engaged as a party of the Order?
- if the surgery is not constructed or occupied, would the very special circumstances assessment continue to apply?

Representations

I have noted the various representations which support the Order.

I would find it helpful if the Parish Council commented on the various objections made to the Order (27/34/43/44-48/50/51/53/54/58/60/62/63/67-69/70-76/78/79/85/86/94).

Please can the Parish Council provide a single response to the overlapping points in the various objections.

It would also be helpful if the Parish Council commented on the representations from the County Council (Representation 88) and from the CPRE (Representation 91).

The representations to the Order include earlier advice from the District Council at Regulation 23 stage (April 2023) about additional information needed as follows:

- a BREEAM pre-assessment (page 13);
- a full biodiversity metric (page 14);
- vehicle tracking for parcel A (page 14)
- a noise assessment (page 15); and
- waste management arrangements.

Please can the Parish Council advise about the timing of any ongoing work on the matters addressed in that advice and when it will be available.

Preliminary notification of the need for a hearing

The Order raises a complicated series of issues. In this context it has attracted a considerable number of supporting comments and objections. At this stage, I am minded to consider elements of the Order at a hearing. I will ask the District Council to arrange a date in due course once the responses to the questions raised in this Note have been received.

It would be appropriate for the hearing to consider a comprehensive and up-to-date package of information on the proposal. In this context and the nature of the questions included in this Note please can the Parish Council advise on its intentions to submit additional information and its likely availability. Where necessary additional targeted consultation may be needed on any additional information received.

Protocol for responses

I would be grateful for responses and the information requested by 16 October 2023. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the issue or the report concerned.

Andrew Ashcroft

Independent Examiner

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1 September 2023