

INDEPENDENT EXAMINATION OF THE DANBURY

NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Lesley Mitchelmore
Assistant Clerk to Danbury Parish Council

Jenny Robinson
Senior Planning Officer
Chelmsford City Council

Examination Ref: 02/AF/DNP

30 July 2024

Dear Ms Mitchelmore and Ms Robinson

Thank you for the letter of 25 July 2024 received from Chelmsford City Council (the City Council) working with Danbury Parish Council (the Parish Council), which provides a response to my initial letter of 16 July 2024.

My initial letter outlined concerns relating to the approximate number of homes to be provided through sites allocations in the Danbury Neighbourhood Plan (the Plan) and the manner in which sites those sites were selected (or not) for allocation. I am grateful for the prompt and fulsome response to the issues raised. As a result, subject to my detailed assessment of the Plan, I have at this stage determined that the examination may now proceed.

In the interests of fairness, whilst I have a copy of the very comprehensive Regulation 16 representation submitted by Savills on behalf of Medical Services Danbury, given you have had an opportunity to respond to the issues raised in my letter of 16 July, I consider it appropriate that the representatives of Medical Services Danbury (and any other interested party) should have an opportunity to submit any further relevant comments.

To that end, I would request that the City Council now forward a copy of this letter to Savills and advise that should their client wish them to submit any comments in response to your letter of 25 July 2024, these should be sent to the City Council by **19 August 2024** (to be forwarded to the IPe office team). To ensure transparency, my letter should also be placed on the City and Parish Council websites to ensure all parties interested in the examination are able to ascertain the latest position.

Given I have determined the examination may proceed, I would like to clarify several initial procedural matters. I also have a number of further questions for the Parish Council and City Council to which I would like to receive a written response(s) by **Monday 19 2024**, if possible.

Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment, the Regulation 16 representations, and the further clarification from the City Council (and Parish Council) to enable me to undertake the examination.

Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 12 August 2024. 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.

Written Representations with or without Public Hearing

At this stage, based on the submitted documents including the representations and further clarification I have received, I anticipate 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 I determine 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.

I wish to reiterate that whether (or not) a hearing is to be held is exclusively a matter for the examiner to decide, bearing in mind the proportionate nature of the framework for determining whether a neighbourhood plan meets the Basic Conditions (in contrast to a local plan).

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 Parish Council and City Council.

I have 34 questions seeking further clarification, which I have set out in the Annex to this letter. As noted above, I would be grateful if you can seek to provide a written response(s) by **Monday 19 August 2024**.

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 around 6 weeks of submission of the draft Plan. However, coupled with my initial letter, I recognise that I have raised a wide range of questions and must provide you with sufficient opportunity to reply. Consequentially, the examination timetable is likely to be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The office team will seek to keep you updated on the anticipated 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.

As requested above, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and City Council websites, as well as undertaking the specific actions outlined above in the third and fourth paragraphs.

Thank you in advance for your assistance.

Yours sincerely

Andrew Freeman

Examiner

ANNEX

From my initial reading of the Danbury Neighbourhood Plan, the supporting evidence, the representations that have been made to the Plan, and the further clarification received, I have the following 34 questions for Chelmsford City Council and Danbury Parish Council. I have requested the submission of responses by **Monday 19 August 2024**, if possible. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for Chelmsford City Council

1. Please confirm the date on which the Danbury Neighbourhood Area was designated (the City Council's website says 9 March 2016; the Parish Council says 9 June 2016).
2. Please confirm the date on which the Regulation 16 consultation commenced.
3. Having regard to the representations submitted on behalf of Medical Services Danbury in Sections 5.17 to 5.19 of Savills' Planning Statement (DNP-131), please advise on the related consultation as carried out by the City Council on the Strategic Environmental Assessment (SEA). Please also see question 4 below, which the City Council may too wish to comment on.

Questions for Danbury Parish Council

4. Was Natural England specifically consulted on AECOM's SEA for the Danbury Neighbourhood Plan and, if so, please supply a copy of any reply received?
5. Is the Parish Council satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)?
6. Please confirm the dates of the Regulation 14 consultation.
7. Policy DNP1: Various representors have indicated that there would be insufficient housing provision and variety, including affordable housing and housing for the elderly. Notwithstanding the Local Plan allocation of around 100 new homes, has greater provision been considered / dismissed and, if so, why?
8. Site A – Vehicular access: In the light of the representation from Mr Thombs (DNP-133), is the Parish Council satisfied that vehicular access can be provided to the site, as envisaged?
9. Site B: Which figure shows the correct boundary (Figure 5 is different from Figure 7)?
10. Site B: Please comment on the representations of Richborough (DNP-67).
11. Site B 3a (and elsewhere) – “Protect existing trees”: Does this mean ‘root protection’ or ‘avoid removal’?
12. Site B 3b: What is meant by “multifunctional green infrastructure”?
13. Site B 3f: What elements constitute “mitigation planting”? Is *all* such planting required prior to a commencement of ground works?

14. Site B 3g (and elsewhere) – “Dwelling boundaries within the site should include natural hedging”: Is this requirement intended to apply to garden boundaries between dwellings. If so, how reasonable and practical would this requirement be?
15. Site B 7 – Does the reference mean connections to pedestrian and cycle routes *adjacent to the site*?
16. Site C 4 – Existing planting to be reinstated: Does this mean ‘taken out and re-planted’ or ‘replaced’?
17. Site D: Please comment on the representations made by Blenheim Consultancy Services (DNP-36).
18. Site D 6: What are considered to be the “adjacent heritage assets”?
19. Site D 7: What is meant by “respect neighbouring rear boundaries”?
20. Site E: Bearing in mind the comments of Dr Rees (DPN-81), is the Parish Council satisfied that the site at Mayes Lane is deliverable?
21. Site E 11: What is meant by the requirement to “provide an open barrier”?
22. Policy DPN2 is largely silent on the matter of affordable homes (other than for First Homes). Does any related reference need to be made within the policy (including to Local Plan Policy DM2)?
23. Policy DNP3 3 - Net Zero Carbon Toolkit: Is the toolkit identified in the references at the end of the Plan to be used?
24. Policy DNP3 3 a): What is meant by “a consistent road frontage”?
25. Policy DNP3 3 d): What is required of applicants in carrying out “a Life Cycle Assessment”?
26. Policy DNP3 4: Is the reference to section 5.61 correct?
27. Policy DNP4 and Paragraph 5.62 – roof height should be lower than the crown of surrounding trees: Is this an overriding requirement (that should be expressed within the policy)?
28. Policy DNP8 2 c): How are “target species” (and their requirements) to be identified?
29. Policy DNP9 4: Bearing in mind the representations of the National Trust (DNP-89), what is to happen if stakeholders are unable to commit resources to oversight groups? How will the formation of oversight group be enforced?
30. Policy DNP12 2: Are not all ten views identified for protection (under the first clause of the policy)?
31. Policy DNP13 1: Where is “the multifunctional green infrastructure network” identified?
32. Policy DNP13 1: Where is an applicant to find details of community transport?
33. Policies DNP14 and 15: Please explain the need for two policies and the main intended differences between them. Policy DNP14 appears to cover community /recreational facilities. Policy DNP15 appears to cover ‘amenities’; but they are all ‘community facilities’ under Local Plan Policy DM21.

34. Policy DNP16 3 – new employment development to be well integrated with and complement existing businesses: What is the thinking behind this provision? Is there scope to introduce new (unrelated) businesses?