

Silverton Neighbourhood Plan 2013 - 2033

Notice of Public Hearing

Prepared by

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John Slater Planning Ltd

12th July 2023

The Need for a Public Hearing

1. Following my Initial Comments document, which I sent out on 28th April 2023, I received responses from both Mid Devon District Council and the Parish Council. I subsequently issued my Further Comments on 19th June 2023 where I gave advance notice that I would be calling for a public hearing.
2. A public hearing will provide me with an opportunity to receive oral evidence on a limited number of questions, which I have set out at the end of this Note. Whilst it is usual for most neighbourhood plan examinations to be conducted via written submissions only, the legislation does allow for the holding of a public hearing.

Issues to be Covered at The Hearing

3. In my Further Comments note, I set down the 3 issues which, at that stage I felt I needed to be covered. These are
 - The allocation of the Glebe Housing Site and whether the benefits accruing from the public access to land will outweigh any harm to the setting of the Church and the Conservation Area.
 - What criteria was used to decide whether sites should be included within the settlement boundary, and the issue of consistency with Local Plan strategic policy of Policy HS01 and Policy HS05 which appears to support exception housing which could be unrelated to the village.
 - What basis were decisions taken to identify areas as LGS compared to the protection of other areas of green space.
4. As part of the preliminary work involved in this examination, I have agreed with the Parish Council and the Mid Devon District Council that it will be necessary for the Regulation 16 consultation to be re-run, as the Environmental Report had not been included as a submitted document that was being consulted upon. By repeating the consultation, it also would provide an opportunity for all relevant parties to comment, if they wish to, on the Neighbourhood Plan's Environmental Report prepared, as part of the Strategic Environmental Assessment, which had been prepared by AECOM on behalf of the Parish Council. That re-consultation, which ends on 29th August 2023, may flush out additional topics that require discussion at the hearing and if these emerge, I will set them out as an addendum to this note.

Arrangements for the Hearing

5. Having liaised with both Mid Devon District Council and Silverton Parish Council, I can confirm that the hearing will commence at **10am on Friday 29th September 2023** in The Community Hall, Silverton, EX5 4JZ. I am confident that the hearing can be completed in one day.
6. The hearing is open to the public to attend; however, the conduct of a neighbourhood plan hearings, is to be as set out in Schedule 4B to the Town and Country Planning Act 1990 and that specifies the parties who can participate. The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Silverton Parish Council and the Local Planning Authority, Mid Devon District Council.
7. It is open to me to invite other parties and I would like Mid Devon District Council to issue an invitation to a representative of Historic England, to contribute to the discussions regarding Policy HS03 and the level of possible harm resulting from the residential development on Glebe land to the setting of the Grade 1 church and the Conservation Area. I would also ask to hear the views of the District Council's Conservation Officer on that topic.
8. I have no objections if any party wishes to film or record any part of the proceeding or to use social media. However, to be clear, members of the public will not be allowed to take part in the proceedings.
9. It is for the me, as the Examiner, to decide how the hearing is to be conducted. In particular, I will decide the nature and extent of any follow up questions, and the amount of time for oral representations. The principle to be applied, is that questioning will be done by myself, except where I feel that questioning by other parties should be allowed to ensure the adequate examination of a particular issue, or to ensure that a party has a fair chance to put their case.
10. We will take a short break during the morning session. I will have an adjournment for lunch at a suitable moment in the proceedings, if I consider that we will need to continue into the afternoon.

Agenda

11. The agenda will be as follows:

- a. **Opening remarks-** by myself as Examiner
- b. **Opening statement** by Silverton Parish Council – I would like to offer the opportunity to the Parish Council to introduce and set out its overall approach to the neighbourhood plan. I would suggest that 10 minutes should be sufficient.
- c. **Discussion based on my individual questions:** These will look at the questions which I have attached to this note. It may be that the order that the matters are covered will change depending upon how the discussion evolves.
- d. **Examiners Closing Remarks**

Site visits

12. I carried out an unaccompanied site visit to Silverton at the end of April. Unless anything arises at the hearing that dictate otherwise, I do not consider that it is necessary for me to arrange an accompanied site visit.

Publicity

13. Please can this note be placed on the appropriate district and parish council's respective websites. I would also ask that the District Council, prepares a notice, to give publicity to the hearing, within the village, for example, by placing posters on parish council notice boards or through press releases or social media, advertising that the hearing will be taking place and that the public can attend (but not participate in the proceedings). I have appended a sample notice at the end of the note.

John Slater BA (Hons), DMS, MRTPI, FRGS

John Slater Planning Ltd

Independent Examiner to the Silverton Neighbourhood Plan

12th July 2023

Questions to be Discussed at the Hearing

1. Does the allocation of the Glebe Housing Development Site proposed by Policy HS03 and the benefits accruing from the public access to land to the north outweigh any harm to the setting of the Grade I Church and the Conservation Area. What level of harm will the development of up to 5 dwellings on the southern approach to the village cause to these heritage assets. What mechanisms will be in place to ensure the community benefits are delivered?
2. What criteria was used to decide whether sites should be included within the settlement boundary as defined in Map 2 – Key Map. Should sites with planning permission or which are allocated for new development which lie adjacent to the existing boundary, be included in a revised settlement boundary? What is the value of having a settlement boundary if Policy HS01 allows development of up to 5 houses on sites on the edge of the village? Is the plan's approach consistent with Local Plan Policy HS01 and Policy HS05? Will the policy push community housing schemes to sites which lie beyond the village and are suitable sites available which lie within “a reasonable and safe walking distance of existing community facilities” to meet the identified local need for affordable housing and would that constitute sustainable development?
3. Local Green Space designation is the highest level of protection that can be conferred on green spaces by a neighbourhood plan. How were the areas proposed as local green space in the neighbourhood plan, identified as being of “particular importance” to the local community when compared to the significance of other green spaces in the village. Do they meet the criteria set out in paragraph 102 of the NPPF?

Sample Notice

MID DEVON DISTRICT COUNCIL NOTICE OF PUBLIC HEARING

SILVERTON NEIGHBOURHOOD PLAN

Mid Devon District Council hereby gives notice of a public hearing relating to the Silverton Neighbourhood plan submitted for examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

A copy of the submitted neighbourhood plan is available via the following link:

[Insert link to submitted version of the neighbourhood plan](#)

The independent examiner of the Silverton Neighbourhood Development Plan, John Slater BA, DMS, MRTPI, FRGS, having read the plan, supporting documents and representations, has considered it is necessary to call a Hearing under the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

The Hearing will commence at **10.00 am on 29th September 2023**

at:

The Community Hall, Silverton, EX5 4JZ

It should be noted that any member of the public may attend the hearing, however, only specific persons, at the examiners discretion, may make oral representation, in accordance with Paragraph 9(3) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

Further updates regarding the examination of the Silverton Neighbourhood Plan, including in respect of the hearing, will be available via the following link:

[Insert link to MDDC's Silverton NP webpage](#)