

Heydon Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. 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 Plan provides a clear and concise vision for the neighbourhood area. It is underpinned by a series of background documents which directly inform some of the policies. This is best practice.

The presentation of the Plan is very good. The difference between the policies and the supporting text is clear. In addition, the Plan makes good use of various high-quality maps. The Vision and the theme-based objectives helpfully provide a structure for the Plan, its policies, and the community actions.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy HEY1

I note that the Heydon Parish Landscape Appraisal (undertaken by Alison Farmer Associates in 2022) sets out the context for the identification of a proposed Area of Valued Landscape including Heydon Valley, Chishill Down, and the Heydon North west Slopes character areas.

There is an opportunity for the Parish Council to respond to the representation made by the Trustees of 3rd Viscount Devonport's Discretionary Trust on this matter later in the Note.

Policy HEY2

I note that the Parish Council proposes to follow the same basis for identifying Important Countryside Frontages that was used by the District Council in the adopted Local Plan. I also note the descriptions of proposed Important Countryside Frontages 3 and 4 in paragraph 5.2.3 of the Plan.

Objections have been received from the District Council (ICF3) and Trustees (ICF3 and 4) to the proposed designations. There is an opportunity for the Parish Council to respond to these representations later in this Note.

I am minded to recommend that the second part of policy should be repositioned into the supporting text. This will acknowledge that the development plan is intended to be read as a whole, and there is no need for the Neighbourhood Plan to repeat a local plan policy. Does the Parish Council have any comments on this proposition?

Policy HEY3

I looked at a selection of the proposed locally important views during the visit, and I note that Appendix 1 comments comprehensively about each view.

Paragraphs 5.3.1 and 5.3.2 of the Plan advise that the Heydon Parish Landscape Appraisal (HLA) 2022 identifies several locally important views into and out of the settlement. They also advise that subsequent consultation with the community during the Plan process has further refined and identified views which are of particular importance to villagers. In this overall context, please can the Parish Council clarify which views were identified in the HLA, which have been proposed by the community, and if any of the HLA views have been refined by the community.

There is an opportunity for the Parish Council to respond to the representation made by the Trustees of 3rd Viscount Devonport's Discretionary Trust on this matter later in the Note.

Policy HEY4

This is an excellent policy which is underpinned by the work on Character Areas. In the round it is a first-class local response to Section 12 of the NPPF.

Policy HEY5

I saw the significance of the proposed Local Green Spaces during the visit. I note that the policy is underpinned by the Local Green Spaces Assessment.

Policy HEY6

I looked at a selection of the proposed non-designated heritage assets during the visit, and I note that Appendix 2 comments comprehensively about each proposed asset. I also note that the second part of the policy follows the approach taken in paragraph 216 of the NPPF.

There is an opportunity for the Parish Council to respond to the representation made by the Trustees of 3rd Viscount Devonport's Discretionary Trust on this matter later in the Note.

Policy HEY10

The aspirations of the policy are self-evident. Nevertheless, should its approach dovetail with existing development plan policies? In this context I note that Heydon is classified as an Infill Village in Policy S/11 of the Local Plan with a development site size limit of up to two dwellings. I also note that Policy H/9 of the Local Plan outlines

the housing mix requirements for development, but applies only to developments of 10 or more dwellings. Policy H/9 also refers to a requirement that 5% of homes in a development should be built to the accessible and adaptable dwellings M4(2) standard, and that this standard would not be triggered by a site size limit of up to two dwellings that applies to the village.

In these circumstances, the following questions arise:

- is the policy deliverable?
- is the element in the policy about accessible and adaptable buildings either reasonable or commercially-viable?

There is an opportunity for the Parish Council to respond to the representation made by the Trustees of 3rd Viscount Devonport's Discretionary Trust on this matter later in the Note.

Policy HEY11

This is a good policy which acknowledges the importance of community facilities. The second part of the policy acknowledges that the use and viability of the facilities may alter in the Plan period.

Nevertheless, to what extent do the second and third parts of the policy repeat the content of policies in the Local Plan?

There is an opportunity for the Parish Council to respond to the representation made by the Trustees of 3rd Viscount Devonport's Discretionary Trust on this matter later in the Note.

Policy HEY13

I saw the significance of the King William IV public house during the visit.

As currently worded, the second part of the policy sets a requirement for the provision of a community meeting space on site alongside other proposed uses, if the use as a public house is not to be retained having been demonstrated to no longer be a viable use through a marketing exercise.

In the context of the overall policy a series of related questions arise:

- has the Parish Council any evidence to suggest that such an approach would be commercially-viable?
- did the Parish Council consider an alternative option for a potential developer to demonstrate that there is no requirement for such a community meeting space, and that it makes no allowance for alternative community uses of the site (using evidence to demonstrate that delivery of either a public house or a community meeting space on the site would not be viable or feasible)?
- did the Parish Council consider the appropriateness of allowing alternative community uses of the site, should evidence be available to demonstrate that the delivery of either a public house or a community meeting space on the site would not be viable or feasible?

In a broader context, would the suggested need for the approach taken in the second part of the policy be removed if the intention of Community Action 11 delivered an alternative village meeting space within the village?

Policy HEY13

I note the relationship between the third part of the policy and Community Action 13. Are there any emerging or costed proposals for the delivery of the intended pedestrian and cycling route?

Is the third part of the policy intended to support the access-related works anticipated in paragraph 5.13.8 of the Plan or general built development that would assist in the delivery of the pedestrian and cycling route? If it is the latter, is the commentary about 'where they comply with other planning policy requirements' intended to mean where any such proposals comply with the overall development plan? In short, the policy will need to be worded in a way that avoids any unintended consequences.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan? I would find it helpful if the Parish Council responded to the representation made by the Trustees of 3rd Viscount Devonport's Discretionary Trust.

The District Council make a series of comments both on the policies and other general matters. It would also be helpful if the Parish Council responded to this representation.

Protocol for responses

I would be grateful for responses and the information requested by 31 March 2026. 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 policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Heydon Neighbourhood Development Plan

9 March 2026