

Todmorden Neighbourhood Plan Examination

15 July 2024

Dear Qualifying Body

Clarification Note from the Examiner to Todmorden Town Council

The examination of the Todmorden Neighbourhood Plan is underway. I have reviewed the submitted Todmorden Neighbourhood Plan (referred to below as the Neighbourhood Plan), all supporting information and representations received and am now contacting Todmorden Town Council as the Qualifying Body in respect of the matters set out below.

Having considered the submitted information and representations received, I confirm that I have decided that it is not necessary to hold a public hearing as part of the examination process. However, taking account of good practice, as set out in Neighbourhood Planning Independent Referral Service (NPIERS) Guidance¹ Paragraph 1.11.4, I am mindful that:

“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”

Noting this, Todmorden Town Council may write to me in response to any of the representations made during the Submission stage consultation. This is not a requirement and it may be that you have no comments to make. However, should you wish to comment, I confirm that I will take any comments made into account as part of the examination of the Neighbourhood Plan.

In addition to the above, I would also be grateful for any assistance Todmorden Town Council can provide in respect of the questions I set out below. My questions are set out in the interests of clarity and any answers you can provide will help the examination process. Thank you.

The Town Council’s response will be published alongside all submitted information on the Calderdale Council website. In responding, if referring to evidence relating to the Neighbourhood Plan, please note that this should only comprise evidence that is already publicly available.

I am conscious of the logistics involved in co-ordinating a written response and am not imposing a deadline, but I am grateful for Todmorden Town Council’s due consideration of this Clarification Letter and I look forward to your response and to the timely completion of the examination process.

¹ NPIERS “Guidance to Service Users and Examiners.”

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Thank you in advance.

Kind regards.

Nigel McGurk

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Todmorden Neighbourhood Plan**

Chapter 4

Policy H2. Supporting text does not comprise a policy requirement. What is “*an appropriate mix of dwelling types*” and “*particular provision*” – are there definitions you can point me to ?

Is the intention of the policy for housing development to provide for a mix of dwellings including one and/or two bed homes ?

Is the policy meant to apply only to major development (ten homes or more) ? If not, is there information you can point me to re: how small housing proposals can viably deliver “*an appropriate*” mix of housing ?

Policy H4. In land use planning terms, there is a significant difference between respecting and enhancing local character. A requirement to enhance is onerous and in most cases, goes well beyond national planning policy requirements. Can you point me to evidence in justification of requiring all housing development to enhance its setting ?

Policy H5. As set out, the Policy supports the conversion of any building to residential use even where it is not possible to provide sufficient vehicle parking or basement parking. Is this the intention of the Policy ? If not the intention, how should an application for residential conversion that does not provide sufficient vehicle parking be treated ?

Policy H7 supports any residential development so long as it includes more than one home that meets enhanced Building Regulations standards. Is this the intention of the Policy ?

Policy H8. Please can you point me to detailed evidence to demonstrate that it will be appropriate in all circumstances for all development to include SuDS and that it is appropriate in all circumstances for SuDS to be retrofitted to any previously permitted development ?

Please can you point out why Policies H4 and H9 comprise separate policies, as they appear to largely duplicate one another ?

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Chapter 5

Policy ED1. As set out this Policy applies to any building, anywhere. Is this the intention of the Policy ? If so, please can you point me to detailed information demonstrating why this Policy is appropriate in all circumstances ?

Policy ED2. This Policy appears to relate to business models and methods rather than land use planning policy matters. Is there any information you can point me to which clarifies any land use planning policy matters that Policy ED2 is seeking to address ?

Policy ED3. Planning permission is not required for home working and planning policies cannot control “*furniture and artefacts.*” Dependent upon configuration, just about any room might provide for a desk, chair and storage. Is there any information you can point me to which clarifies the requirements of this Policy ?

Policy ED6. The Policy conflicts with Permitted Development Rights – is there information you can point me to which justifies this conflicting approach ?

Is it the intention of the Policy to support the development of workspace and offices anywhere in the Neighbourhood Area, as set out ?

Chapter 7

Policy TC4. The Policy appears to relate to the quality and offer of markets, which is not a land use planning policy matter. Is there any information that you can point me to which sets out land use planning policy requirements in respect of Policy TC4.

Chapter 9

Policy TM1. Please can you point me to information setting out when it will be necessary for development to enhance walking and cycling routes, as required by the Policy ?

Policy TM3. Is the Policy intended to apply to all development proposals, as worded ?

Chapter 10

Policy HG1. The Policy sets out requirements that are different to and which go well beyond national planning policy requirements in respect of heritage assets. Please can you point me to the justification for this direct conflict with national policy ?

Thank you for your consideration of the above.

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Please note that the purpose of the above is not to criticise the Neighbourhood Plan but to help my understanding of the Policies and to help to support the Neighbourhood Plan's positive examination against the basic conditions.

Thank you.
