

WRAY-WITH-BOTTON NEIGHBOURHOOD PLAN

EXAMINERS QUESTIONS & RESPONSES

OCTOBER 2018

1. Would LCC provide a copy of the correspondence from the Council's solicitor referred to in paragraph 4.9 of their representation concerning the S106 agreement. Would the QB provide the documents referred to in Annex 3 of Appendix 3 of the Site Assessment report and their legal opinion on the matter referred to in their note "Specific comments on the LCC response".

Please find the following documents attached as PDF's to support this response:

- The response to the Council's solicitor attached to this response as requested;
- A full version of the original Section 106 Agreement (from Annex 3 of Appendix 3); and
- The legal opinion of the QB's solicitor concerning the status of the Section 106 Agreement.

2. Policy OS2 criterion (III) refers to views into and out of the AONB. Within the context of the NP, policies can only refer to locations within the Plan area. Is it intended that these views are those shown on the Proposals Map 2?

The QB suggest that the term 'into and out from the AONB' was intended to ensure that proposals do not have an adverse impact when viewed from either direction. The criterion is therefore not limited to the views shown on the Proposals Map, although these are necessarily important; views into and across the Neighbourhood Plan Area from elsewhere in the AONB would also be included.

The QB propose alternative wording: "views within, into or out of the Neighbourhood Plan Area (including but not restricted to those shown on those Proposals Map)". This wording is supported by the LPA.

3. How is it intended that Policy OS2 criterion (IV) is to be applied by developers and decision makers?

The QB would highlight that the criterion was drawn from the Publication Version Arnside and Silverdale AONB DPD (henceforth 'A&S DPD') and it was not debated at the examination hearings.

The LPA state: The way in which it is intended to be applied is for developers and decision makers to ask themselves: "Can the impacts of this development proposal (in the context set out in the policy) on the landscape character and visual amenity be mitigated?" If yes, proceed with drawing up proposal/considering proposal in principle (i.e. subject to all other considerations). If no, modify or refuse permission.

If additional clarity is required, one solution may be to refer to a baseline state from which cumulative impact could be assessed, e.g. as set out in the Wray with Botton Neighbourhood Plan Landscape Appraisal 2017. If this is the case, the QB propose the following wording:

- iv. *Take full account of the cumulative and incremental impacts of development having regard to the effects of developments identified in and built out since the Wray-with-Botton Neighbourhood Plan Landscape Appraisal (including unintended impacts and impacts of development that has taken place as a result of Permitted Development Rights, licensing or certification) and the likely further impacts of the proposal in hand; and*

However, they are also open to alternative wording if preferred by the Examiner.

4. The LPA comments that Policy BE1 is confusing and repetitive. Would the LPA and QB consider and agree how the policy wording could be improved. The policy should focus on providing local guidance relevant to the parish rather than generic statements. It should avoid repeating points in other policies in the Local Plan and in other NP policies.

The LPA and QB have discussed and agreed the following proposed wording for Policy BE1; the basis of this policy is consistent with the requirements set out in Policy ASO8 of the A&S DPD:

Policy BE1: Design

For development proposals in the Neighbourhood Plan area the highest standards of design and construction will be required to conserve and enhance the landscape, built environment, distinctive settlement character and historic, cultural and architectural features.

In addition to design requirements set out in the district-wide Local Plan, the design of developments in the Neighbourhood Plan area should be informed by the Wray with Botton Landscape Appraisal (2017) and, where appropriate the Wray Conservation Area Appraisal (2009) and should:

- i. Respond to the character of the landscape and local built environment including buildings, boundary treatments, open spaces, trees, roofscapes, village layout and have particular regard to the local vernacular, building to plot / green space ratios and to the quality, integrity, character and settings of natural, built and historic features; and*
- ii. Reinforce what is special and locally distinctive about design in the AONB through the careful consideration of visual amenity, layout, views, scale, height, solid form and massing, proportions, alignment, detailing, lighting, materials used, colours, finishes and the nature of development; and*
- iii. Provide well designed landscape schemes that retain distinctive trees and include new structural planning that contributes to the character and amenity value of the area; and*
- iv. Ensure that boundary treatments, screening and entranceways reflect local character and context including retention (or appropriate replacement where necessary) of existing features of value such as hedgerows, trees, verges and traditional stone walls through careful consideration of materials and heights for gates, gateposts and fencing and the use of appropriate species for planting; and*
- v. Avoid using development that is harmful to landscape and settlement character to inform the design of new development or proximity to it as justification for further poor quality or harmful development.*

The LPA confirm that this reflects the wording for Policy ASO8 in the Publication version A&S DPD. It was not debated at the examination hearings.

5. The Housing Needs Survey revealed a need for affordable homes by 2020 (para 4.3.6).

- Will any of the sites with planning permission deliver any affordable homes in this timescale?

QB Response - No: the national approach to the delivery of affordable homes has changed over the period that the Neighbourhood Plan has been drawn up such that small sites of less than 5 dwellings are no longer required to make a contribution to affordable dwellings.

- How is it intended that the demonstrated need for affordable housing is to be delivered through the NP?

QB Response - The requirement for 50% affordable housing would generate at least 7 affordable units from the redevelopment of Hoskins Farm. As in other settlements in AONBs, it is expected that

housing in excess of that able to be delivered within the Neighbourhood Plan Area will be provided elsewhere in the district.

- Has the Plan considered whether any of the site options could have been delivered as a rural exceptions site?

QB Response - None of the sites allocated in the plan were specifically considered as rural exception sites. A site at the bottom of School Lane was considered as a rural exception site, specifically in order to deliver the affordable housing associated with development at Hoskins Farm (thus freeing up space within the Hoskins Farm site for more market housing), but was not eventually progressed.

6. Policies H1 and H2 refers to the maximum possible affordable number of affordable homes and Policy H2 sets a target of 50% affordable. Would the QB supply me with the evidence to demonstrate that the 50% figure is deliverable particularly on the Hoskins Farm site? Unless this can be demonstrated, the Local Plan policy would have to be recommended.

The City Council are promoting a 50% affordable housing requirement across the AONB areas within their boundaries in their Publication Version DPDs, and the QB relies on their evidence for promoting this figure. There is no evidence that this requirement is any less deliverable on the Hoskins Farm site than on any other sites within either of the AONBs.

Requiring a site viability assessment seems like an excessively high bar to require of a 'light touch' neighbourhood plan examination, and it is of course open to developers to challenge the viability of the requirement on any particular site during the planning application process.

However, the QB recognises that LCC's 50% requirement has yet to be tested at examination, and so may change before adoption. If necessary, the QB would accept that Policy H2 refers to the Local Plan policy which sets the affordable requirement for the Local Plan area's AONBs (currently Policy DM6).

7. Local Plan Policy SC3 states that an allowance of 10% of new homes is made to accommodate development to meet local needs in villages. It is acknowledged that this is an allowance for the overall proportion of new housing that is to be developed in the rural areas. However in the absence of any other strategic guidance about the appropriate level of growth in the NP area, would the LPA agree that it would be appropriate for the NP to provide this level of growth as a minimum?

In accordance with national planning policy provided by the revised NPPF, the LPA are seeking to provide indicative housing growth figures for neighbourhood plan areas, including Wray-with-Botton. However such figures will only be robustly tested at Examination in early 2019 and the LPA accept that these figures cannot be given weight in this Examination.

In the absence of an adopted post-NPPF approach to this matter, the LPA and QB would agree that it would be appropriate for the NP use the 10% figure in Policy SC3 of the Core Strategy as a minimum starting point.

It is important to note that the 10% allowance set out in Policy SC3 links to the overall housing requirements of the Lancaster District Core Strategy rather than any more up-to-date assessment of housing needs in the district and does not relate to a disaggregation each individual village. Both the LPA and QB would highlight that the 10% is a generic figure for the rural area of the district as a whole with abilities to deliver such growth determined by development opportunities or physical constraints.

8. The Site Assessment Report includes Key Development Considerations that set out factors to be taken into account in the design and layout of the housing sites. I am minded to recommend that they be incorporated into Policy H1 against the site allocations as suggested by Historic England. Would the QB and LPA review the Key Development Considerations and confirm that this is appropriate.

The QB and LCC are happy with the suggestion that the Key Development Considerations are incorporated into policy. However, given that the considerations are site-specific, it may be clearer for the reader and for decision makers to have them as a series of separate site-specific policies, rather than incorporating them all into Policy H1. The QB and LPA are happy to be guided by the Examiner on the most appropriate way forward.

9. Paragraph 4.5.6 and the table following identify 3 sites as having “potential for housing”; however it is noted that the landowners are not intending to bring them forward for development. As these sites are not deliverable and it is not proposed to allocate them in the Plan, I shall be recommending that they be deleted.

The QB would point to the new NPPF in that it now puts ‘great weight’ on the use of windfall sites within existing settlements. The new online planning practice guidance explicitly enables neighbourhood plans to deliver their housing requirements through a mixture of allocations and windfalls.

What this table and paragraph are intended to do is to provide guidance and clarity for decision-makers and developers about how these particular sites should be treated if they do come forward as windfalls: if they come forward, they have the specific support of the development plan and so should be approved unless other material considerations indicate otherwise. If the owners decide to sell, or consider developing, they can also do so with much greater confidence than if these sections were deleted. The intention is to demonstrate the availability of further development potential / windfall sites within the village and to indicate a positive approach to planning for future development.

The QB is fully aware that the sites cannot be allocated or contribute towards the plan’s housing requirements. The QB is aware that this is not an approach that is taken in Local Plans, but suggests that for a neighbourhood plan, with its much finer-grained detail, smaller scale, and different Examination requirements, it may be appropriate. However, the QB recognises that this is the Examiner’s decision.

(If para 4.5.6 is deleted then para 4.5.7 will also need to be amended)

10. Policy H2 seeks to restrict occupancy to sole/main residence. What is the evidence to support this restriction?

The QB do not have any specific local evidence to support the restriction of occupancy to sole / main residence. Given that the village is in an AONB and that new development is intended to meet local needs, this appeared to be a reasonable mechanism to achieve that end. However, the QB would be content for the reference to sole/main residence to be removed. Second home ownership levels are comparable to those in Arnsdale and Silverdale and we note that this part of the policy was also removed from the A&S DPD, so we are content that the two plans remain consistent.

11. Policies H1 and RE1 seek to prevent development on international, national and locally designated sites. They make no distinction between the various types of sites or explain what the designations are. The policy therefore does not have regard to national policy guidance. Safeguarding of environmental and heritage sites is adequately addressed in other Local Plan policies and does not need to be repeated in NP development policies. In the circumstances I am minded to delete this criterion.

The QB accepts that the protection of designated sites is adequately covered in the district-wide DM DPD (currently Policy DM27 and has no objection to the Examiner's recommendation on this matter.

12. Policy RE1 (VI) refers to "micro-growth points". Would the QB explain what is meant by this term?

The QB take it to mean very small scale development that supports the growth or diversification of new or existing businesses in order to increase the economic activity of the parish, which may include but is not restricted to live-work units. The plan is seeking to limit the scale of development because of the potential for harm to the landscape and other features of the NP area, and also because of the relatively low level of need for new economic development in the countryside. In the A&S DPD the clause was expanded to say "including live/work units" which goes some way to indicating the type of development that would be acceptable. The matter was not debated at the A&S DPD examination hearings. The QB would be happy for the above definition, or an alternative if preferred by the Examiner, to be inserted into the policy.

13. The second paragraph of Policy RE1 is imprecise. Would the QB explain what type of buildings it is proposed that this paragraph should cover? Is this all types of rural buildings or only specific types? Would the QB consider whether this could be combined with criterion (II).

The QB agree that this paragraph could be combined with the second criterion. As per Local Plan Policy DM9, this paragraph refers to buildings in agricultural use, which we are happy to clarify. Our suggested wording would read:

ii. Appropriate small-scale new or expanded outdoor sport, leisure and tourism facilities. Re-use of agricultural buildings in support of tourism and the visitor economy will be considered an appropriate use as required by criterion (iii)⁴¹ of Local Plan Policy DM9 or its successor policy in the emerging Local Plan;"

However, we are happy to accept alternative wording if preferred by the Examiner.

14. Policy RE1 Criterion (I) refers to "allocated mineral extraction or waste management". I shall be recommending that this should be deleted as these are excluded forms of development. They will in any case be allocated in other plans and there is no need to repeat it in the NP.

The QB accepts the point made and has no objection to the Examiner's recommendation on this matter.

15. Policy RE1 Criterion (IV) refers to “house extensions or extensions to outbuildings”. Would the QB confirm that under this policy, it is intended that they are to provide space for employment purposes. Would the QB consider how this could be worded more clearly?

The QB can confirm that this is their intention. We suggest re-wording the criterion to read:

iv. House extensions or extensions to outbuildings for economic (non-residential) purposes that are ancillary to the existing dwelling and are sympathetic to the character of the original building and its setting;

LPA state this matter was not debated at the A&S DPD examination hearings and so the policy has not been amended; however the proposed wording is a logical response to the question and does indeed clarify its intention.

However, we are content to accept alternative wording if preferred by the Examiner.

16. The final paragraph of Policy RE1 does not reflect the national planning guidance on safeguarding agricultural land. There is insufficient evidence to justify this as an exception and I shall have to recommend that it be deleted.

The QB are very disappointed with this decision. The grazing land around the village is the highest quality in the area and is essential to the business model of local livestock farmers. The QB had hoped that planning at the neighbourhood scale would enable them to apply a policy with more locally-specific granularity than the national policy, which, while appropriate on a national scale, is too broad-brush for upland areas where there is no land classified as BMV but where the best land that is available is vital for farming businesses.

17. There is a degree of overlap between Policy NE1 with Policy OS2 on landscape matters and Policy NE3 on the historic environment the topics should be clearly distinguished in the policies. Policy NE1 adds no locally specific policy matters on biodiversity to the Local Plan Policies in which case I shall be recommending that the policy should be deleted.

Following discussions between the LPA and QB, it has been agreed that the first 3 paragraphs of Policy NE1 should be deleted as these matters are adequately addressed within the City Council's Development Management DPD. However both the LPA and QB agree that the final paragraph which relates to trees and hedgerows does provide policy direction which is more localised than that provided within Policy DM29 of the 2014 Development Management DPD.

The QB maintains that separate policies are required to protect these hedgerows and trees specifically for their biodiversity value and habitat connectivity function, as well as for their value as a heritage asset or landscape feature.

On this basis both the LPA and QB would support the retention of this element of the policy with the policy being retitled '*Protection of Trees, Woodland and Hedgerows*'.

“New development should protect and enhance existing trees, woodland and hedgerows unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall, and should positively incorporate new trees, woodland and hedgerows where possible. Development that results in the removal of or damage to single trees, tree groups, woodland or species rich hedgerows will be required to provide replacement trees at an appropriate ratio and of appropriate species to conserve and enhance the special character of the area. The conservation of those hedgerows which mark historic field patterns, particularly to the north and east of the village of Wray, are of particular importance to maintain wildlife habitats and habitat

connectivity as well as for their contribution to the wider landscape in the Forest of Bowland AONB and the setting of the Wray Conservation Area.”

If the Examiner is minded to accept this proposal, or to recommend an alternative that better captures the need to protect and enhance the trees, woodland and hedges within and around the village, or indeed to recommend deleting the policy altogether, the supporting text will also need amending.

18. The environmental constraints map shows the location of the SPA, the Biological Heritage Site and the SSSI. Would the LPA/QB provide a brief description of these environmental areas for inclusion in descriptive text on the natural environment?

The Neighbourhood Plan Area includes a number of areas which have been designated for their environmental importance at an International, National and Local level. The area includes the Bowland Fells Special Protection Area (SPA) which is an extensive upland area providing important habitats for protected plant and bird species. The area also includes Roeburndale Woods and Clear Beck Meadows Sites of Special Scientific Importance (SSSI) and a number of more locally designated Biological Heritages sites. Such local designations include Middle Wood, Neddy Park Wood, Quarry Wood (including Hoskins Wood, Mill Wood and Spout Brow Wood), Bank Wood and Hunt’s Gill Wood, Powley Wood (including Beck Gill Wood, Scroggy Wood, Audland Close Wood, Stubb Wood and Tenter Hill Wood), the Stables Bank Wray Bridge, Alcocks Farm Grasslands, Over Close Wood and Proctor Wood, Well Beck Wood (including Helks Home Wood and Middlefield Wood) and Fall Wood Coppice.

19. Lancaster City Council and Historic England have made a number of comments on Policy NE3. Would the QB and LCC consider the points made and agree revisions to the Policy. These should contain locally specific matters only as there is no need to address matters that are included in policies in Local Plans. The policy should avoid the use of the phrase “will not be permitted” as other policies in the development plan and other material considerations will have to be taken into account in determining planning applications.

The LPA and QB have discussed and agreed the following proposed wording for Policy NE3:

Policy NE3: Historic Environment

To supplement the relevant policies in the Local Plan which relate to the historic environment, all development in the Neighbourhood Plan area should seek to protect and enhance the unique heritage features and the wider historic character of its location. This should include built, natural and cultural heritage features and historic landscape character.

Where proposals lead to the loss of a designated or non-designated heritage asset, in accordance with national planning policy, surveys should be undertaken to record their historical interest and build the heritage evidence of the Forest of Bowland AONB.

Development proposals affecting designated or non-designated heritage assets, the latter of which may either be identified on the Council’s Local List, the Historic Environment Record or that are discovered during the application proposals, will be supported provided that:

- i. They conserve and enhance the significance of the asset. This may include schemes that specifically aim to (or include measures to) protect, restore or enhance historic assets or features;*
- ii. They conserve and enhance the character and local distinctiveness of the area through design, scale and materials used; and*

iii. They promote the enjoyment understanding and interpretation of the assets as a means of maximising wider public benefits which reinforce the character of the village of Wray and sense of place within the Forest of Bowland AONB.

Proposals which affect historic field patterns in the locality should seek to reinforce and reflect those patterns. The loss and fragmentation of these assets will be discouraged.

20. The Proposals Map shows three non-designated heritage assets. Are these included on the LCC Local List?

The Council is currently working on compiling a List of Local Heritage Assets which will be produced on a parish-by-parish basis. Selection criteria have been published and this will inform the inclusion of non-designated heritage assets on the local list. The three non-designated heritage assets highlighted in the Neighbourhood Plan and listed in the Wray Conservation Area Appraisal (2009) will be considered against the selection criteria for inclusion on the Council's List of Local Heritage Assets.