

Slyne with Hest Neighbourhood Plan 2017 - 2031

Initial Comments of the Independent Examiner

Prepared by

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1st July 2022

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Slyne with Hest Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents.
2. I made my visit to the plan area this week, arriving mid afternoon on Monday 27th June 2022 and concluded my site visits the following morning. I visited the housing allocation site, saw all the green spaces and the community facilities and walked along the Lancashire Canal and along part of the Foreshore enjoying its magnificent views across Morecombe Bay to the Cumbrian Mountains as the tide was out. I drove through each of the character areas and stayed the night at The Lodge at Lancaster, which falls within the Parish's Conservation Area.
3. I also noted the village's relationship with Lancaster and Morecombe and I was able to understand the location of the Local Plan's North Lancaster Strategic Housing Site, which is away from the main village but still falls within the parish boundary. I tried to appreciate a number of the key viewpoints, including those looking east towards the Pennines. I also was able to understand the relationship with Bolton le Sands.
4. I have concluded that I should be able to deal with the examination solely based on the written material and it should not be necessary for me to call for a public hearing. However, there are a number of matters where I need to ask further questions or which seek clarification based on what I have read in the plan or saw on my site visit. This is quite common in the examination process. My questions are to seek to clarify matters in my own mind and I have reached no firm conclusions at this stage.

Regulation 16 Comments

5. I would firstly like to offer the Parish Council an opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation including those of the City Council.
6. I am not expecting a response in respect of every single point raised at Regulation 16 or indeed every representation, just those comments that the Parish Council feels it wishes to respond to.

General Comments

7. Once the plan is made it will be an important part of the development plan, which will be used to actually determine planning applications. The wording of neighbourhood plan policies should be specific and let the decision maker know how the planning application should be determined. There are numerous examples where the wording of policy does not actually do that. I set down a number of examples:

“The plan recommends that development proposals will need to demonstrate.....”

“This plan proposes....”

“The Plan recommends....”

“The Plan endorses....”

8. I am happy for the Parish Council to consider proposing alternative wording to the policies, which I could then adopt, setting out specifically how development should be considered, or alternatively this may be a matter upon which the Parish Council will be content for me to make my own recommendations.
9. Paragraph 16f) of the NPPF states that “plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant.)”
10. There are a number of examples where the neighbourhood plan policy is requiring compliance with other policies whether in the neighbourhood plan, or in Lancaster District Local Plan documents e.g. Policy HRA1. Development in the parish will already be subject to these policies and in some cases the plan introduces a policy requirement to have to comply with a policy that already applies e.g. Policy HE3. Unless I receive compelling justification, I am minded to remove such policy duplication.

Policy HE1- Housing Need

11. My reading of Local Plan Policy DM3, is that it requires a particular percentage of affordable housing from developments over a certain size. This policy seems to refer to the plan delivering the “*maximum* viable amount of affordable housing” which would be an appropriate aspiration if the local plan policy sought a range of affordable housing requirements. Is there any purpose in the policy duplicating the existing Local Plan’s affordable housing policy so long as the development delivers the appropriate amount of affordable housing, subject to viability considerations?
12. Can the Parish Council clarify whether its aspirations are that the requirements for new homes to be designed to HAPPI principles, will be restricted to new properties with age restrictions, for elderly persons, or similar specialist accommodation, or does it expect it to be applied generally, to say bungalows, which could be occupied by any age group.

Policy HE2- Site for New Development

13. I have noted that the plan has chosen not to commission a housing needs assessment, primarily because of the Green Belt constraints applying to the parish. As a general principle, can the City Council confirm whether it sees that the strategic housing allocations in the Local Plan are aimed at addressing the housing needs of the whole district, including the parish or is it expected that Slyne with Hest’s own requirements has to be met within the village on top of the 700 units that will be taking place in the parish at the North Lancaster site?
14. Can the City Council confirm whether it has issued a housing figure for the neighbourhood area, as envisaged by paragraph 66 of the NPPF and if it has, outline how was that figure arrived at. I note that Policy H2 of the Local Plan envisages that the neighbourhood plan should be planning for housing growth

within the settlements including Slyne with Hest. Was the City Council expecting the residential growth envisaged under that policy would have to take place in land which is currently Green Belt?

15. If the housing supply requirement for the neighbourhood area has been drawn up independently from the City Council, can the Parish Council explain how it arrived at that figure – was it based on empirical evidence or is the level of housing delivery proposed being a reflection of the site the neighbourhood plan has chosen to allocate.
16. One of the key questions my examination will be considering, is whether the provisions of paragraph 140 of the NPPF, mean that, as the local plan has recently been adopted, the Green Belt should be treated as permanent, as the boundaries are expected to endure beyond the end of the plan period. I do note that the final sentence of the relevant paragraph, sets out that where the need for Green Belt boundaries to be changed through strategic policies, then detailed amendments to those boundaries may be made through a neighbourhood plan. However, my interpretation of that statement, is that, in this case, it would allow the neighbourhood plan to consider minor changes to the boundary of the strategic North Lancaster allocation rather than allowing the Green Belt around other settlements in the district to be amended.
17. An alternative interpretation could be that as the local plan had to take land out of the Green Belt to meet its objectively assessed housing need, it would allow other neighbourhood plans to propose changes to the Green Belt around other settlements to meet their own housing needs.
18. One possible view is that the proposed housing allocation in Policy HE2 is not in general conformity with the strategic policies in the Local Plan especially in regard to the protection of the Green Belt and also does not comply with the Secretary of State's approach to the amendment of Green Belt boundaries. However, I appreciate that this allocation, to a large extent, goes to the heart of the neighbourhood plan's positive approach to housing, and I would invite both the City Council and the Parish Council to make representations on my interpretation of the NPPF.
19. Notwithstanding the above, can the City Council provide me with an electronic version of its Green Belt Review.
20. Turning to specific requirements for the housing allocation, can the Parish Council comment on whether requiring some houses to front on to the Canal, would be consistent with the requirement for the provision of a wildlife corridor alongside the canal.
21. In a Written Ministerial Statement to the House of Commons dated 25th March 2015, the Secretary of State stated that neighbourhood plans should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of dwellings. Can the Parish Council comment on whether the requirements of Policy HE2, in particular, 9

and 10, would be in accordance with that statement of the Secretary of State's expectations for neighbourhood plans.

22. Can I request the City Council to ask the Highway Authority's Development Management Team, to comment on the adequacy of Sea View Close as the sole point of vehicular access to a development of this size?

Policy HE3 – Future Housing Development

23. Can the Parish Council and the City Council each express a view as to whether the wording as submitted, which allows small windfall sites attached to the village footprint, would be offering policy support for inappropriate residential development within the Green Belt?
24. Depending on my conclusions in relation to Policy HE2, does the Parish Council think that the village footprint map should be amended to include the proposed allocation site?
25. Is the second paragraph of the policy, actually just a policy requiring compliance with another policy(ies) which already applies?

Policy B1 – Business Development

26. Does the City Council have a view whether Local Plan Policy DM47 would permit the erection of new business premises in the Green Belt?
27. The definition of a Class E g) iii use is "any industrial process being a use that can be carried out in any residential area without detriment to the amenities of that area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". Is it justifiable to exclude this part of Use Class E, from being acceptable?
28. I would invite the Parish Council to recheck the reference to paragraphs 89 and 90 of the NPPF, which seems to be referring to retail uses, not Green Belt development.
29. Similarly in the light of the flexibility envisaged by the Government by introducing Use Class E, are the restrictions in the policy to specific parts of the use class justified?

Policy NE1- Flooding

30. Again, can the reference to the NPPF paragraphs be checked as Paragraph 155 appears to relate to low carbon energy rather than flooding.
31. Could the Parish Council identify in what way the policy provides a local dimension or an area specific policy for the parish beyond that which already is provided by Local Plan Policy DM33? It seems to me to add very little to national and local plan policy .

Policy NE2- Views

32. For a protection of views policy to be effective in terms of assessing planning applications, it is vital that a decision maker knows with a high degree of certainty, the specifics of the viewpoint's location, so that it can be used to assess the impact of development on that valued view and furthermore which

direction that view is to be taken. I am afraid that the experience from my site visit, is that the scale of Figures 18 and 19 meant that I struggled to know the actual position of the viewpoint, where the effect on that view is to be assessed. The table on page 18 does not in every case, give the clarity that I would expect to find in a development plan document. Can I request that the Parish Council prepare new plans, which identify the individual viewpoints on a detailed OS base map along with a cone of visibility, showing the direction of the view which is so valued by the local community? Additional photos of that view would also assist.

Policy NE3- The Coastline and Development

33. As I understand the position, the UK Marine Policy Statement is intended to be used as a guide to the preparation of Marine Plans rather than being a tool for the development management decision. In order for me to clear as to the intention of the policy, can the Parish Council identify specifically which criteria in the Policy Statement it expects that applications will be required to comply with.
34. Is it the Parish Council's intention that designated and non-designated natural environmental assets should be protected to the same extent, as it seems to be at odds with the Secretary of State's intentions that the sites should be protected in a manner commensurate with their statutory status or identified quality in the development plan? Is the plan's approach consistent with the approach advocated in paragraph 180 of the NPPF?

Policy COM1 Community Facilities

35. Whilst I understand that the sites shown in Figure 23 were used as part of the initial community consultation, it would be clearer if the six sites proposed for protection, should be the ones shown on the map.
36. Is it the Parish Council's intention that support for the multi-use community building should apply to a proposal within the Green Belt?

Policy COM2- Green Spaces

37. I am a little unclear as to the status that the neighbourhood plan is proposing to confer on the open spaces. Is it looking to see them designated as local green space as suggested by paragraphs 101 to 103 of the Framework or are they to be treated under the criteria set out in paragraph 99 of the Framework?
38. There appears to be a disparity between the 16 sites listed in the policy and the eleven sites set out in Figure 24- it is important that the extent of the open spaces are shown on a plan, in order to assess whether they are affected by development proposals and whether this policy applies.

Concluding Remarks

39. I am sending this note direct to both Slyne with Hest Parish Council, and Lancaster City Council. I would request that both parties' response to my questions should be sent to me by 5 pm on **29th July 2022** and also be copied to the other party. I have given a longer period than I would normally set at this stage, because of the range of questions that I am seeking responses to.

40. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the City Council's website.

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Independent Examiner to the Slyne with Hest Neighbourhood Plan

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