

WENNINGTON NEIGHBOURHOOD PLAN 2018-2031

SUBMISSION PLAN

A Report to Lancaster City Council of the Examination into the Wennington Neighbourhood Plan

by Independent Examiner,
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Summary and Overall Recommendation

0.1 Following my examination of the Wennington Neighbourhood Plan (WNP), including a site visit to the Neighbourhood Area on 13 September 2018, it is my view that, subject to modifications, the WNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the WNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured.

0.5 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the basic conditions and is as robust as possible and that it can play its part in planning decisions and managing change in Wennington Parish in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing that will be needed as a result of making the modifications. It will also be necessary to ensure all document referencing and commentary about the neighbourhood planning process is up to date for example at section 9.0 of the plan on 'Next Steps'. I have not necessarily highlighted all such consequential changes.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- 1) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- 2) the making of the neighbourhood plan contributes to the achievement of sustainable development;
- 3) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- 4) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- 5) prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 The WNP also complies with the legal requirements set out in Section 61 and

Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act.

0.9 With the modifications in place the Wennington Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

0.10 When that takes place I also recommend that the Wennington Neighbourhood Area which is synonymous with the Parish's administrative boundary is taken as the area for the Referendum.

Peter Biggers
19 October 2018
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Wennington Neighbourhood Plan (referred to as the WNP throughout this report).

1.1.2 The WNP was produced by the Wennington Parish Council (WPC) and in consultation with interested parties and local stakeholders and residents.

1.1.3 The Wennington Neighbourhood Area equates to the administrative area of the parish.

1.1.4 Wennington Parish lies about 12 miles north east of the City of Lancaster within the district of Lancaster City Council. The area shares an eastern border with the county of North Yorkshire (Craven District) and lies just to the north of the Forest of Bowland Area of Outstanding Natural Beauty. The Parish is very rural in character and comprises the small village of Wennington and a number of scattered farms and individual dwellings in open countryside. The Parish extends across 395 hectares and had a population of 178 recorded in the 2011 Census. Today there are around 54 households.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the WNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the WNP would be '**made**' by Lancaster City Council. In the event of a successful referendum result the WNP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by Lancaster City Council, with the consent of WPC, to conduct the examination and provide this report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the WNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 37 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the "Basic Conditions." The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that * :

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA:

“The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.”

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to ‘excluded development’, and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the WNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

** NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.*

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Wennington Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is expressly not to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, I am satisfied that there is no need for a hearing in respect of the WNP and I confirm that all representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination. Where appropriate I have made specific reference to the person's or organisation's comments in section 6 of this report.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 13 September 2018 during which I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. Subsequent to the site visit I asked a number of factual questions relating to the proposals of the plan of both the City Council and Parish Council as Qualifying Body. These questions and the responses received from the two councils are set out in Appendix 1. I am grateful to the City and Parish Councils for responding to my factual queries.

2.4 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Wennington Neighbourhood Plan 2018-2031:

1. National Planning Policy Framework (NPPF) 2012 and 2018;
2. National Planning Practice Guidance 2014 (as amended);
3. Town and Country Planning Act 1990 (as amended);
4. Planning and Compulsory Purchase Act 2004 (as amended);

5. Localism Act 2011;
6. Neighbourhood Planning Act 2017;
7. Neighbourhood Planning (General) Regulations (2012) (as amended);
8. Lancaster District Local Development Framework Core Strategy 2008 (LDCS);
9. Local Plan for Lancaster District 2011-31 Development Management DPD (DMDPD);
10. Saved Policies of the Lancaster Local Plan 2004 (LLP);
11. Wennington Neighbourhood Plan Basic Conditions Statement;
12. Wennington Neighbourhood Plan Consultation Statement and Appendices;
13. Wennington Neighbourhood Plan 2018-2031 Strategic Environmental Assessment Screening Report;
14. Wennington Parish Neighbourhood Area Designation Report - July 2017;

Also:

15. Representations received during the Regulation 16 publicity period post submission ending 31 August 2018.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 WPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to Lancaster City Council on 23 June 2018.

3.1.3 Public consultation on the WNP commenced with initial consultations in 2017. The initial consultation over 2017 was followed by various consultation stages, including:

- Issues and Options Consultation Oct 2017-Nov 2017;
- The First Draft Plan Consultation Dec 2017 – Jan 2018;
- The pre submission consultation from April 2018 - May 2018; and
- The formal, publicity stage, as required by Reg 16, (the consultation period post submission of the plan) from 20 July - 31 August 2018.

This last stage resulted in 12 consultation responses. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Wennington Neighbourhood Plan Consultation

3.2.1 The WNP Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved neighbourhood planning pages on Parish and Lancaster City Council websites, email drops, parish noticeboards as well as community events. Copies of the Pre Submission Draft and Submission Plan were uploaded to the websites and links provided via email and social media as well as being available locally in hard copy.

3.2.2 The initial consultation stage of the plan sounding out the community on issues

started in February 2017 with a consultation event on 18 February 2017 and ran through to Summer 2017. A survey of housing need was carried out in June 2017 with 37 responses from the 54 households within the parish.

3.2.3 Based on the feedback from these early stages an issues and options document was prepared incorporating the vision and objectives for the plan and consulted on between October and November 2017 with a public consultation event on 28 October 2017. 25 comment forms were returned.

3.2.4 Drawing on this, a first draft plan was prepared and consulted on between 13 December 2017 and 12 January 2018. A covering letter was sent out to all households and residents in the parish and several events were held. Broad support for the draft policies was indicated from the residents. The draft plan was screened as to whether a Strategic Environmental Assessment was required.

3.2.5 The Consultation Statement sets out the detail of these early consultations and the findings and how the plan has responded to these. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.6 The pre-submission consultation as required by Regulation 14 involved an 8 week period from 2 April 2018 to 25 May 2018. The WNP was made available online on the Parish and LCC websites and hard copies were made available locally. Statutory consultees and other key community stakeholders were consulted by email with a link to the plan. The WPC decided not to host a further consultation drop-in event further to that hosted at the first draft plan stage as the plan was very little different to the earlier draft. In response to the consultation 20 representations were received including 13 from residents.

3.2.7 Following the pre-submission stage and the analysis of results the plan was finalised for submission.

3.2.8 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices I am satisfied that it is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The extent of interest and participation by residents in the plan, although not substantial at the pre-submission draft stage, reflects a small resident population. Consultation has been maintained throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided full opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

4.0 In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

4.1 Qualifying body

4.1.1 Wennington Parish Council, as the duly elected lower tier council, is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan area

4.2.1 The Wennington Neighbourhood Area, as designated, coincides with the boundaries of the Parish.

4.2.2 An application was made by the WPC on 13 September 2016 to designate the Wennington Neighbourhood Area. This was approved by Lancaster City Council on 24 November 2016 following consultation.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.3 Plan period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The WNP clearly states on its title page and in the introductory sections that it covers the period from 2018– 2031.

4.3.2 The plan period equates with the timescale of the emerging Lancaster Local Plan Part One – Strategic Policies and Land Allocations but extends beyond the time period of the current adopted development plan. The intended time period to 2031 satisfies the requirements of Section 38B of the PCPA as amended.

4.4 Excluded development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste

development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The WNP, as proposed to be modified in section 6 below, relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and use of land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the WNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 Lancaster City Council undertook a final validation check of the WNP on submission in June 2018 and was satisfied that the Plan could proceed to be publicised under Regulation 16. Officers confirmed in writing on 31 August 2018 that the content of the WNP was supported and the plan could proceed to this independent examination.

5. The Basic Conditions

5.1 National policy and advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF has just been published on 24 July 2018. For continuity purposes however and for neighbourhood plans already in the system the NPPF states at paragraph 214 that “*the policies in the previous Framework (dated 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*”. I therefore have based my consideration of the extent to which the Wennington Neighbourhood Plan meets Basic Condition No 1 in section 6 below against the NPPF 2012.

5.1.2 The NPPF 2012 explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They cannot promote less development than that set out in the Development Plan or undermine its strategic policies.

5.1.4 The NPPF indicates that plans should provide a framework within which decisions

on planning applications can be made with a high degree of predictability and efficiency.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF but again for the purposes of this examination the relevant advice is that in existence at the time the WNP was submitted.

5.1.6 The implication of the NPPF review and the advice in para 212 of the NPPF 2018 is that “*plans may also need to be revised to reflect policy changes which this replacement Framework has made*”. This would be carried out through a partial or complete review of the neighbourhood plan.

5.2 Sustainable development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: - economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However an SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case WPC has only carried out an exceedingly brief tabulation reviewing how the plan meets the 3 main sustainability references in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the WNP policies which would have been the more usual procedure. The tabulation assessment in the Basic Conditions Statement and the assessment of policies against the development plan that follows in the Basic Conditions Statement do however indicate that the policies will comply with sustainability principles in the NPPF and development plan.

5.2.4 I will consider detailed points regarding the plan’s ability to meet Basic Condition No 2 in section 6 below.

5.3 General Conformity with the Development Plan

5.3.1 The adopted development plan in force for Lancaster City is the Lancaster District Local Development Framework Core Strategy 2008 (LDCS), the Local Plan for Lancaster District 2011-31 Development Management DPD (DMDPD) and saved policies of the Lancaster Local Plan 2004 (LLP).

5.3.2 There is an emerging new Local Plan – A Local Plan for Lancaster District 2011-31 Part One: Strategic Policies and Land Allocations and Part Two: Development Management DPD. Parts One and Two have been submitted to the Planning

Inspectorate for Examination but have not yet been adopted. Whilst I understand why the Parish Council has referred to these documents in the WNP and in the Basic Conditions Statement in order to demonstrate that the neighbourhood plan will reflect the new plan, I cannot assess the WNP against these unadopted policies and my assessment in section 6.0 below will be carried out against the current adopted policies.

5.3.3 Lancaster City Council has confirmed in its Regulation 16 representation that in its opinion the WNP policies meet the Basic Conditions including being in general conformity with the strategic policies of the development plan which it takes to be principally contained within the Lancaster District Local Development Framework Core Strategy 2008 (LDCS) and saved policies of the Lancaster Local Plan 2004 (LLP).

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (LCC) that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion both in respect of the need for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) was prepared by LCC in consultation with the statutory bodies in January 2018. The screening opinion notes that the WNP is being brought forward in advance of any higher level sustainability appraisal in association with the emerging Local Plan however future development likely to arise through the neighbourhood plan in Wennington is likely to be small scale and relatively unconstrained. The bulk of the plan policies seek to protect character, improve design, protect the natural environment and historic assets, and encourage sustainable growth and infrastructure improvements. As such the screening opinion determined that there would be no likely significant adverse effects and no significant environmental impacts and therefore no need to carry out either assessment. The SEA screening did however recommend that the plan should incorporate a monitoring and implementation framework in order that the effect of the plan policies can be monitored.

5.4.5 Regarding Habitats Regulations Assessment, the test in the additional Basic Condition is that the making of the neighbourhood development plan is “*not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.*”

5.4.6 No European sites are located within the Neighbourhood Area although there are 9 within 15 kilometres. However the screening opinion considered all policies could be screened out as having no potential impact pathways likely to lead to significant effects for the European sites. The screening opinion did however recommend that there was a need to cross refer to policy DM43* of the Local Plan which seeks the protection and enhancement of biodiversity. With this in place there was considered to be no direct individual or in combination effects of development arising through the WNP policies.

5.4.7 Neither the statutory environmental consultees nor anyone else has taken issue with the screening opinion findings and I have no reason to reach a different view regarding direct significant effects.

5.5 Other EU obligations

European Convention on Human Rights (ECHR)

5.5.1 The Human Rights Act 1998 encapsulates the Convention articles into UK Law.

5.5.2 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the WNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.5.3 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the WNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the WNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.5.5 The policies set out in the WNP would be unlikely to have any detrimental impact on most of the 'protected characteristics' set out in the Equality Act 2010 and generally the plan would bring positive benefits. It is recognised that whilst the plan does not directly address needs of specific groups neither do its policies expressly exclude any groups' needs.

*DM43 refers to the emerging local plan. The appropriate reference in the adopted *Local Plan for Lancaster District 2011-31 Development Management DPD* would be DM 27. See section 6.4.5.

5.5.6 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.7 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.8 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the WNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.0 The General Form of the Plan

6.0.1 The structure of the WNP is generally logical and clear with early sections setting the context, vision and objectives and then policy sections. Each policy is accompanied by supporting text and the plan distinguishes between the policies themselves, which are emboldened and boxed, and their justification.

6.0.2 The Planning Practice Guidance (PPG) requires the plan to provide a clear and unambiguous guide to developers and in that respect I have two concerns with the general structure of the plan that raise issues in respect of Basic Condition No 1.

6.0.3 Whilst the WNP does not have a policies and proposals map as such because of the absence of allocations and the absence of policies with a specific spatial dimension, the plan does depend on a number of maps which are intended to help explain and justify the policies. The plan would be clearer if these and in particular Map 2, 3, 6 and 7 were enlarged. This would make it much clearer for users of the plan and decision makers.

6.0.4 Secondly, the inclusion of the related policies from the development plan after each

WNP policy, whilst a good idea in principle helping to identify the strategic policies to which the WNP policies relate, should not include policy references from the emerging Local Plan. These emerging policies may change in their scope and intent and in particular their numbering as Parts One and Two of the new Local Plan progress through their examination. Where that happens it will simply result in the WNP references being confusing and unclear.

6.0.5 In addition in respect of the general structure of the Plan, the conclusions of the SEA Screening Opinion that it was unlikely that the WNP would result in any significant environmental effects was subject to the inclusion of a monitoring and implementation framework within the plan to ensure the effects of the plan are properly monitored. This has not been included in the submission draft plan.

Recommendation 1 –

1A - Enlarge the detailed mapping included in the plan when producing the final version in particular Map 2, 3, 6 and 7.

1B – Delete the policy references to the emerging Local Plan for Lancaster District 2011-31 Parts One and Two from each of the Lancaster Planning Policies Tables that follow each WNP policy.

**1C – Include a monitoring and implementation framework as an appendix to the plan indicating how the policies will be monitored and cross reference this from Section 9.0 ‘Next Steps’ by amending line 1 of paragraph 9.2 to read:
“*The WNP policies will be monitored as set out in the monitoring and implementation framework in Appendix 1 and the plan reviewed....*”**

6.1 Section 1.0 – What is a Neighbourhood Development Plan?

6.1.1 This section of the WNP is largely factual describing the plan’s scope and the process involved in its preparation. However the text includes a number of statements where accuracy is an issue. These need to be corrected to ensure that the plan is clear and unambiguous as required by the PPG and therefore compliant with Basic Condition No 1.

6.1.2 Paragraph 1.4 does not include all the elements of the adopted Development Plan. It needs to include the Local Plan for Lancaster District 2011-31 adopted in 2014. Paragraph 1.4 also states that the WNP “*has to take into account*” the emerging new local Plan. This is not in fact correct. The WNP **can** take account of an emerging plan but the neighbourhood plan **has** to be based on the adopted elements of the Development Plan and thus a change of emphasis in the text is required.

6.1.3 Paragraph 1.5 picks up some of the other basic conditions in addition to being in general conformity with the strategic policies of the Development Plan but it is not entirely accurate and does not include all of them. For example it does not refer to the need to contribute to achieving sustainable development.

6.1.4 Finally the accuracy of the references to the referendum at the end of the process in paragraph 1.8 needs to be improved. The referendum must achieve **more than 50%** of the turnout being in support of the plan being used to determine planning decisions.

6.1.5 For these reasons I recommend the following modifications to the text.

Recommendation 2

2A – Reword the third sentence lines 4/5 of paragraph 1.4 to read:

“The local strategic planning policies are set out in *the Lancaster Local Development Framework Core Strategy 2003-21, A Local Plan for Lancaster District 2011-31 and Saved Policies from the Lancaster District Local Plan 2008.*”

2B – Reword the 4th sentence of paragraph 1.4 to start:

“*The NDP has also taken into account.....*”

2C – Reword line 2 onwards of paragraph 1.5 to read:

....and other guidance), *to contribute to achieving sustainable development and to comply with European Union obligations.*”

2D - Reword Line 3 of paragraph 1.8 to read :

“...is a majority ‘Yes’ vote (*i.e. more than 50% of the turnout*)...”

6.2 A Neighbourhood Development Plan for Wennington

6.2.1 This section again is largely factual, setting out the background context to preparing the plan. Paragraphs 2.9 and 2.10 both include references to consultation comments at the First Draft Plan stage and the Regulation 14 pre-submission draft stage. The inclusion of these summary comments is both confusing and unnecessary. The consultation statement is the document where comments are reported. Inclusion in the plan is confusing as it relates to comments on earlier versions which have now been resolved.

Recommendation 3

Delete the text in paragraphs 2.9 and 2.10 after first sentence.

6.3 Vision and Objectives

6.3.1 Section 3 of the WNP sets out the vision of the plan, and the objectives to deliver the vision and provides the basis for the policies.

6.3.2 The vision and objectives do appear to draw on the issues and matters of concern within the community that have emerged through the consultation stages of the plan and set out the wish to meet the local needs of the community without losing the rural character of the parish and the qualities of the natural and built environment.

6.3.3 The plan therefore has regard to the PPG advice in respect of neighbourhood plans that they “*provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people*”.

6.3.4 The vision and objectives also encapsulate and reflect the vision and objectives set out in section 3 of the LDCS, section 3 of the DMDPD and paragraphs 1.1.14 and 1.1.15 of the LLP and are set out in a way in which it is clear that they are likely to contribute to the achievement of sustainable development.

6.3.5 Accordingly, the Vision and Objectives meet Basic Conditions Nos 1, 2 and 3.

Policies of the Neighbourhood Development Plan

6.4 – The Natural Environment

6.4.1 The first policy of the plan WEN1 seeks to protect and enhance local wildlife assets. The policy has regard to section 12 of the NPPF in respect of the natural environment. However Gladman Developments Ltd, in their Reg 16 response, point out that the NPPF at paragraph 113 makes it clear that policies should reflect the hierarchy of importance of wildlife assets and apply protection commensurate with their importance. Policy WEN 1 in its first clause does not do this and seeks to apply a blanket protection to designated and non-designated sites. In this respect it is in conflict with Basic Condition No 1.

6.4.2 However, both the NPPF itself and policy 27 of the DMDPD apply a tiered protection and it is unnecessary for policy WEN1 to duplicate this. Accordingly, the first clause could simply be deleted leaving the rest of the policy to set out what is required of development proposals in the parish.

6.4.3 The final clause however referring to minimizing the loss of the most fertile soils is unrelated to the rest of the policy and is not supported by any justifying text. The PPG requires proportionate, robust evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the neighbourhood plan. This has not been done in this case and there is therefore a further conflict with Basic Condition No 1. Again the simplest solution as the requirement is already adequately covered in DMDPD policy DM27 would be to remove the clause.

6.4.4 The rest of the policy has regard to the NPPF and is in general conformity with LDCS policy SC1, DMDPD policy DM27 and LLP policy E12 and E17 and provides additional local guidance which is the purpose of neighbourhood plan policies. In protecting and enhancing biodiversity it is also likely to contribute to achieving sustainability.

6.4.5 A conclusion of the Habitats Regulations Screening Opinion was that policy WEN1 should be cross referenced to the requirements of policy DM27 of the DMDPD that relevant surveys and assessments should be carried out where the development has the potential to affect protected sites, habitats or species. However this requirement will apply as an adopted part of the development plan regardless whether it is cross referenced in policy WEN1 or not. Therefore rather than refer to the policy within the text of WEN1 which would simply result in the policy wording becoming time limited, it is sufficient that the

reference is made within the table of relevant Lancaster City Planning Policies following WEN1.

6.4.6 I recommend policy WEN1 is modified as follows and with this modification in place the policy meets Basic Conditions Nos 1, 2 and 3:

Recommendation 4

Remove the first and last clauses of policy WEN1 (i.e. the first line and the penultimate and last line of the policy).

6.4.7 Policy WEN2 looks to protect and enhance local landscape character and the principle of the policy has regard to section 11 of the NPPF and the LDCS policy E1 on environmental capital, LLP policy E4 and DMDPD policy DM28, the last of which sets out in considerable detail the approach to managing landscape impact of development.

6.4.8 Policy WEN2 adds local value to DM28 in focusing on the local landscape issues of concern.

6.4.9 However the NPPF indicates that plans should “*provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency*”. The PPG further requires that a policy in a neighbourhood plan “*should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*”.

6.4.10 In order to meet these requirements, and therefore Basic Condition No 1, there are a number of points in the policy which need to be clarified.

First, the initial paragraph of the policy is not sufficiently clear where it states ‘suitable’ landscaping schemes’. In respect of materials it refers to ‘locally appropriate’ which is more precise because a developer can observe and apply what is local to the area. Removing the word ‘suitable’ is all that is needed because ‘locally appropriate’ would then apply to both ‘landscaping schemes’ and ‘boundary treatments’.

6.4.11 Secondly, the second paragraph of the policy appears to suggest that rural buildings can only be located on the mid slopes of drumlins which does not appear to be correct. The parish has confirmed that this is not what was intended and the main purpose of the clause is to restrict skyline development. Accordingly the clause needs to be modified.

6.4.12 Thirdly, in the third paragraph dealing with significant views, it is not clear from the use of the word ‘respect’ exactly what a developer would have to do. As the next paragraph refers to mitigation of impacts on significant views, the policy would be clearer if the second paragraph also talked in terms of ‘impact’.

6.4.13 Gladman Developments Ltd, in their Reg 16 response, also raise concerns about

the evidencing of significant views. The PPG requires proportionate, robust evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the neighbourhood plan.

6.4.14 Having reviewed the wording both in WEN2 and in the supporting text regarding these views, whilst more could be said about their significance I am of the opinion that enough is said for the developer and decision maker to understand the concept and allow the policy to operate. This is particularly the case as the policy does not preclude development within the vicinity of these significant views merely that it would require a Landscape and Visual Impact Assessment or similar to ensure development is proposed to be sited sensitively and appropriately.

6.4.15 Finally, policy WEN2 also seeks to control the impact of renewable energy installations on the landscape. Paragraph 4.20 in the supporting text talks about large scale renewable installations having a potential impact on the AONB and the local landscape character and gives the example of a solar array. However the policy itself only refers to wind turbines. Clarification sought from the Parish indicates that it is generally supportive of renewable energy of a domestic scale but it is the possibility of renewable energy projects having an adverse visual impact as set out in the supporting text that is the concern. The policy as currently worded does not reflect this and therefore it needs to be modified to apply to all renewable energy projects and deliver what is intended which, according to WNP paragraph 4.20, has been supported by the local community.

6.4.16 In this context the NPPF at paragraphs 93 and 97 requires planning to support the delivery of renewable energy and for all communities to contribute to energy generation from renewable sources. I do not consider that the negative wording of this part of policy WEN2 is framed in a way that has sufficient regard to national policy and therefore does not meet Basic Condition No 1. I acknowledge that one of the criteria in paragraph 97 does allow policies to ensure adverse impacts are addressed (including landscape impact) and, if this is the principal concern of the community in respect of renewable energy installations, it is acceptable for the policy to seek to control this. WEN2 only seeks to control landscape impact although other impacts are fully controlled through policy DM17 of the DMDPD. It would therefore make sense to cross refer to DM17 in the list of related development plan policies following WEN2 as it is not currently listed.

6.4.17 A resident at the Reg 16 stage expressed the view that common land should be referred to in paragraph 4.2 of the supporting text to policy WEN2 and identified on Map 2 showing protected open spaces in Wennington. In response to a question of fact to the City Council it has been confirmed that there are areas of common land particularly along the River Wenning east and south of the village. Whilst common land is already strictly controlled, I see no reason why to further clarify the supporting text at paragraph 4.2 this should not be referred to.

6.4.18 I recommend the following modifications.

Recommendation 5

5A Reword line 2 of policy to read:

“... locally appropriate materials, landscaping schemes and boundary treatments.”

5B Reword line 6 to read:

“...any new rural buildings should be located on sheltered sites below the skyline.”

5C Reword Line 10 to read:

“...proposals should not impact on these.....”

5D Reword Line 18 to read:

“Renewable energy projects in the rural area of Wennington Parish will only be supported where there would be no adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington Parish.”

5E Add policy DM17 of the DMDPD to the list of Lancaster Planning Policies following policy WEN2.

5F Add to the end of the 3rd sentence in paragraph 4.2:

“...and areas of common land extend east and south of the village along the River Wenning.”

Once Map 2 is enlarged as per Recommendation No 1 the common land along the River Wenning should be shown.

6.4.19 With these modifications in place the policy will be clear and unambiguous thus meeting Basic Condition No 1. As above the policy is in general conformity with the LDCS and DMDPD and helps to deliver a sustainable future for the parish. Therefore Basic Conditions Nos 2 and 3 are also met.

6.5 - Built Environment and Housing

6.5.1 Policy WEN 3 seeks to encourage good design and in that respect has regard to the NPPF at section 7 seeking a high standard of design in all development.

6.5.2 The first part of the policy looks to ensure the design of development conserves the heritage assets of the parish. Gladman Developments Ltd in their Reg16 representation raise concerns regarding this first clause of the policy, firstly that for reasons of clarity it should form a separate policy and secondly that it should distinguish between the protection afforded to designated as opposed to non-designated heritage assets and set out the expectations in respect of each.

6.5.3 Whilst I agree that the heritage section of the policy might have been better separated, it is not open to me to recommend a modification to create a further policy in the plan. The test I must apply is whether the policy meets the Basic Conditions in its current form and there is no reason in these terms why policy WEN3 cannot deal with both aspects.

6.5.4 Regarding the approach to designated and non-designated heritage assets I acknowledge that the NPPF does distinguish in this way; however, I am satisfied that by the policy using the words '*conserved in a manner appropriate to their significance*' a developer would be clear that differing tests would be applied. I do however consider that closer regard would be seen to be had to the NPPF and to legislation if the statutory test wording of 'preserve or enhance' was used in place of 'conserve' in this clause. As the NPPF sets out at length how the tests will be applied in respect of designated and non-designated heritage assets and must be applied when considering development affecting heritage assets I do not consider that it is necessary to replicate the tests in respect of policy WEN3.

6.5.5 In the third clause dealing with development in conservation areas I have a concern whereby it is not immediately clear from the policy, or its supporting text, where one looks to understand the character of the conservation area. Normally a conservation area would have a conservation area appraisal (CAA) or a conservation area management plan (CAMP) in place but I understand from an answer to a question of fact put to the Council that neither has been prepared for Wennington. The policy is capable of being interpreted particularly if the clause referred to the character and appearance of the conservation area. However it would work better with a CAA in place and this cross referenced. If the Council is in a position to complete a CAA before the plan goes to referendum the reference could be added to the policy.

6.5.6 The second section of the policy deals with new buildings. My only comment in respect of this section is that clause 2 again is not sufficiently clear and unambiguous. Presenting the approach to building lines as an either or is not clear. The important issue is that new buildings are in keeping with the building lines established by nearby development. Accordingly a modification is needed to add this to clarify the policy.

6.5.7 Gladman Developments Ltd are also concerned with policy WEN3 generally that it is overly prescriptive and lacks flexibility and they quote from paragraph 60 of the NPPF to make their point. However they do not quote the end of that paragraph which states that: "*It is however proper to seek to promote or reinforce local distinctiveness*". This is what policy WEN 3 seeks to do. The criteria are not expressed in terms that are overly prescriptive. In each of the sections on new buildings, extensions and conversions the criteria use phrases such as "*should be consistent*"; "*should be chosen to complement*"; "*are compatible with*" etc. Moreover the policy does not rule out contemporary designs provided they "*contribute positively towards the visual interest of the local street scene*". In short, there is sufficient flexibility in the policy to ensure it has regard to the policies of section 7 of the NPPF.

6.5.8 In addition to these concerns with the policy there also needs to be a modification to the supporting text to ensure that it too is clear and unambiguous. As was the case with paragraphs 2.9 and 2.10 of the WNP paragraph 5.16 refers back to comments about

policy WEN3 at an earlier stage. As these comments have been acted on it is simply confusing to refer to the comment.

6.5.9 With the recommended modifications in place Basic Condition No 1 would be met. The policy would also be in general conformity with LDCS policy SC5 seeking to achieve quality in design, LLP policies H12 and E35 which seek to achieve and protect conservation areas respectively and DMDPD policy DM35 that sets out key design principles. The policy would also contribute to achieving a more sustainable form of development and therefore Basic Conditions Nos 2 and 3 would be met.

Recommendation 6

6A Reword Line 1 of policy WEN3 paragraph 1 to read:

“Both designated and non-designated heritage assets *will be preserved or enhanced* in a manner appropriate.....”

6B Reword Line 7 of WEN3 paragraph 3 to read:

“...materials and detailing to the character *and appearance* of the Conservation Area.”

6C Reword Clause 2 of the section of policy WEN3 on New Buildings to read:

“Building lines should *reflect adjacent development and either* come up to....”

6D Delete the second sentence of paragraph 5.16 of the supporting text to policy WEN3.

6.5.10 Policy WEN4 sets out the approach to housing development in the parish. As Wennington is not classed as a sustainable settlement, policy WEN4 limits future housing development to that which can be achieved through conversions of existing buildings or new build in response to local need, where the vitality of rural communities will be maintained or enhanced. In that respect the policy has regard to the NPPF at paragraph 55 regarding housing in rural areas and LDCS policy SC3, DMDPD policy DM42 managing rural housing growth and LLP policy H11 dealing with housing exceptions. The result of the Local Housing Needs Assessment carried out during the preparation of the WNP was that at the present time there is no local housing need and therefore the decision was taken that there was no need to allocate any site in the plan.

6.5.11 Again for the purposes of creating clear and unambiguous policies as required by the PPG the third paragraph of the policy should make it clear that this relates to newbuild housing.

6.5.12 In addition the wording of the introduction to the clauses in the policy and the clauses themselves do not make grammatical sense so I have included a modification in Appendix 2 listing typographical and formatting corrections see section 7.1 below.

6.5.13 Finally the wording of the supporting text at paragraph 5.18 refers to policy numbers

in the emerging *Local Plan for Lancaster District Part One*. As stated above at paragraph 6.0.4 of this report as the new local plan is only at submission stage and has still to complete examination it is not yet clear whether policies SP2 and 3 will remain or continue to carry this numbering. To avoid confusion in the WNP the reference to the emerging plan in paragraph 5.18 should be phrased in a more general way without referring to policy numbers.

Recommendation 7

7A Reword Line1 of paragraph 3 to policy WEN 4 to read:

“In respect of newbuild housing preference will be given to.....”

7B Reword Lines 2/3 of paragraph 5.18 of the supporting text to WEN4 to read:

“.....Wennington is identified as a Rural Village in the Lancaster District Settlement Hierarchy. The emerging local plan sets out that.....”

6.5.14 With the recommended modifications in place Basic Condition No 1 would be met. The policy would also be in general conformity with development plan policies as above and would also contribute to achieving a more sustainable form of development meeting local housing needs and therefore Basic Conditions Nos 2 and 3 would be met.

6.6 - Rural Economy

6.6.1 Policy WEN5 looks to encourage the rural economy by supporting small scale development to facilitate local economic growth. In principle the policy has regard to the NPPF at section 3 which supports a prosperous economy in all but one respect.

Clause 3 appears to limit the support to reuse or conversion of existing buildings whereas the NPPF at section 3 also allows for the development of well-designed new buildings.

Accordingly the policy as it is phrased at present does not meet Basic Condition No 1 and will need to be modified to allow for the construction of new buildings.

6.6.2 Again in respect of the requirement of the NPPF that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that a policy in a neighbourhood plan should be clear and unambiguous, policy WEN5 is insufficiently clear in the first paragraph in terms of what is meant by ‘small scale facilities’. The Parish Council has confirmed that what it was trying to convey was that Wennington, in the context of supporting the rural economy, would be receptive to small scale development. An illustrative example might be a small scale extension to a property (i.e. to create an office or workshop) that would enable home working. That being the case the text needs to be modified to meet Basic Condition No 1.

Recommendation 8

8A Reword line 2 of policy WEN5 to read:

“...demonstrated for such accommodation, *small scale development in association with a local business* and facilities linked to the visitor economy....”

8B – Reword clause 3 of policy WEN5 to read:

“Proposals include the re-use or conversion of *existing buildings or well-designed new buildings.*”

6.6.3 The policy with these modifications would also be in general conformity with the LDCS policy ER6 on tourism and DMDPD policies DM7, 8 and 9 on economic development in rural areas, reuse and conversion of rural buildings and rural diversification. Policy WEN 5 focusses on the local matters of concern and seeks to enhance rural sustainability by supporting the economy. As such, as modified, the policy would also meet Basic Conditions Nos 2 and 3.

6.7 Local Infrastructure

6.7.1 Policy WEN6 seeks to secure improved transport and accessibility through development within the parish. The focus of the policy is to make provision for safe and more sustainable transport modes and therefore the principle of the policy has regard to the NPPF at section 4.

6.7.2 The rail station is undoubtedly an asset that specifically enables sustainable travel by residents of the parish. However it is just outside the Parish and therefore the neighbourhood plan, given the requirements of Section 38 of the PCPA (as amended), cannot include a policy that seeks to safeguard it. In order to meet Basic Condition No 1 therefore the first sentence of policy WEN6 will need to be removed from the policy. If the Parish Council wish to actively support the idea of the station as a rural transport hub it should do so through a community action project but this cannot be formally part of the WNP. I recommend that the first sentence of policy WEN6 is incorporated into the text at paragraph 7.17 and the second sentence of the policy makes it clear that it applies to development proposals within the parish.

6.7.3 The NPPF requires that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Given these requirements the fourth paragraph of policy WEN6 does not meet Basic Condition No 1. It is not at all clear from the policy when it will be **relevant** to apply this clause. Accordingly, the clause needs to be reworded to provide certainty.

6.7.4 A resident in their Reg 16 response suggests that rail and bus services should be classed as a significant asset in Paragraph 7.2 and that the figure of 5 trains per day is no longer correct in paragraph 7.18 and should be changed to 7. The value of the rail bus interchange is recognised as a significant asset in paragraph 7.17 as proposed to be

reworded so does not need to be repeated. If the number of trains has increased to 7 trains per day then the figure of '5' in paragraph 7.18 should be amended as a factual correction.

Recommendation 9 –

9A Remove the first sentence of policy WEN6 and reword the second sentence to read:

“Sustainable development proposals *within the parish which support and enhance the potential of Wennington Station.....”*

9B Reword the first sentence of paragraph 7.17 of the supporting text to read:

“ *Wennington station and the rail/bus interchange is not within.....village and its role and function as a rural transport hub will be encouraged.*”

9C Reword the 4th paragraph of policy WEN6 to read:

“*Proposals for new development will be required to demonstrate that any potential adverse impacts on local highways from additional traffic can be resolved or suitable mitigation measures put in place appropriate to the rural road network.*

9D Line 5 of paragraph 7.18 – change '5 trains' to '*7 trains*'.

6.7.5 With these modifications the policy will meet Basic Condition No 1, would be generally in conformity with LDCS policy E2 and LLP policy T9 on transportation measures and DMDPD policies DM20 and DM21 which seek to enhance accessibility and transport linkage and promote walking and cycling respectively. As the policy will also help to secure more sustainable transport it helps to achieve sustainable development. Thus basic Conditions Nos 2 and 3 are also met.

6.8 Flooding

6.8.1 The WNP identifies surface water flooding in Wennington as an issue and policy WEN7 seeks to ensure that any future development proposals do not worsen the current situation and ideally results in improvement. The policy in principle has regard to section 10 of the NPPF. However again there are issues with the policy with regard to the extent to which it is as clear and unambiguous as it can be.

6.8.2 First, the policy does not state where surface water flooding is known to be an issue and it should be cross referenced to Map 6 which sets out the areas of surface water flood risk. In order that this cross referencing is as clear as possible it is important that the enlarging of these maps as proposed in Recommendation 1 is carried out.

6.8.3 Secondly, the first clause of the policy is unclear in what it is seeking to achieve. Paragraph 2 of WEN7 looks to minimise run off and retain surface water on site. It is my understanding therefore that the mitigation referred to in paragraph 1 of the policy needs to ensure surface water flooding is not exacerbated beyond the site and wherever possible

provides betterment. This is not what the text currently states so it will be unclear for a developer what it is that the mitigation is intended to do.

6.8.4 Finally the Environment Agency has requested in its Reg 16 response a further clarification in respect of how the flood mapping is referred to in paragraph 8.2.

Recommendation 10

10A Reword line 1 of policy WEN7 to read:

“In areas where surface water flood risk is a known issue, as identified on Map 6, development proposals.....”

10B Reword line 2 to read:

“....can be provided which does not exacerbate surface water flooding beyond the site and wherever possible...”

10C Reword line 1 paragraph 8.2 of supporting text to policy WEN7 to read:

“The Environment Agency flood risk assessment mapping provides information about areas at risk of flooding from different sources – see Maps 6 and 7 below.”

6.8.5 With these modifications made the policy meets Basic Condition No1. DMDPD policies DM38 and 39 set out the requirements to minimise flood risk from development and control surface water run-off respectively. These are very detailed policies and therefore the WNP policy does not need to replicate these but can instead focus on how these issues are to be addressed locally. The policy is in general conformity with the DMDPD policies and, inasmuch as controlling and reducing flood risk also contributes to achieving sustainable development, the Basic Conditions Nos 2 and 3 are also met.

7. Other Matters

7.1 Typographical and Formatting Corrections

7.1.1 There are a number of typographical and formatting errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the basic conditions it is also open to me as the examiner to correct such errors. I have identified these in Appendix 2 and in modifying the plan as set out above and finalising for the referendum these typographical amendments should be made.

Recommendation 11 – Make typographical and formatting corrections as set out in Appendix 2 at the end of this report.

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Wennington Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Wennington Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the boundaries of the parish. Given the scale and nature of the plan and the fact that the policies proposed would not affect residents in adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

Recommendation 12 - I recommend to Lancaster City Council that the Wennington Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Wennington Neighbourhood Area as approved by the City Council on 24 November 2016.

Peter D Biggers
19 October 2018
Independent Examiner
Argyle Planning Consultancy Ltd

Appendix 1 – Wennington Neighbourhood Plan Questions of Fact from the Examiner

For Lancaster City Council to answer

- What is the position with the Lancaster District Core Strategy 2008 as the Local Plan for Lancaster District 2011-31 Development Management DPD states that on its adoption (which happened in 2014) the Core Strategy will be withdrawn – or - is the intention that this will not happen until the site allocations part of the local plan is also adopted.

When the 2014 Development Management DPD was adopted, the intention was that this would be shortly followed by a Land Allocations DPD presenting revised strategic policies for the district. However, since this time, the position has moved on and the Council has now submitted two documents simultaneously to the Planning Inspectorate for Examination in Public, namely the Strategic Policies and Land Allocations DPD and a review of the Development Management DPD. As such policies within the 2004 Lancaster District Local Plan and the 2008 Lancaster District Core Strategy remain the current strategic component of the Local Plan for Lancaster District.

- Paragraph 1.4 of the WNP does not mention the Local Plan for Lancaster District 2011-31 - Development Management DPD adopted in 2014. Is this merely an oversight as presumably it is part of the adopted plan on which the WNP is based.

This is an oversight and should also refer to the 2011-31 - Development Management DPD adopted in 2014,

- What is the current position with the emerging Local Plan in terms of stage now reached?

On 15th May 2018 the Council submitted the Strategic Policies and Land Allocations DPD and a review of the Development Management DPD. An inspector has been appointed, Mr Richard McCoy and examination hearings are programmed to start on Tuesday 8th January 2019. Once adopted these documents will supersede saved policies in the 2004 Lancaster District Local Plan, the 2008 Lancaster District Core Strategy and the Development Management DPD 2014.

- Has a conservation area appraisal or conservation area management plan been prepared for Wennington CA?

The Council at this stage has not prepared a Conservation Area Appraisal or Management Plan for Wennington Conservation Area. However, it is intended that these will be prepared at a future date.

- A resident at Reg 16 stage proposed that common land should be referred to in para 4.2 of the plan and included in Map 2 . Am I right in assuming that the village greens are common land and are already identified on Map 2 ? Are there any other areas of common land in the parish?

Further to your query please find attached picture which identifies common land and village greens, these are two different classifications and are held on separate registers by Lancashire County Council.

For Wennington Parish Council to answer

- Is it just wind power where there is a need to apply control in WEN2 as the plan text refers to solar arrays?

The plan text refers to the (local) solar array farm as an example of a development that Wennington would wish to resist. The key principle and distinction that Wennington wish to promote is that it supports renewal energy schemes when considered in the context of domestic properties. However, large scale (e.g. commercial/industrial) renewal energy schemes, such as wind or solar farms, would have significant and detrimental impact within the landscape.

- What is intended to be covered by the reference to small scale facilities in the second line of policy WEN5?

What we were trying to convey was that Wennington, in the context of supporting the rural economy, would be receptive to small scale facilities. An illustrative example might be a small scale extension to a property (i.e. to create an office or workshop) that would enable home working.

However, we accept, this specific wording is open to misinterpretation and we would be comfortable for this particular phrase to be removed in order to avoid confusion.

In conclusion, presuming that our principle points are reasonable, we would be very happy to review the wording or receive a recommendation on how we might rephrase these policies to be more precise in their meaning and application.

- As currently worded WEN2 appears to suggest that any new rural buildings should be located on the mid slopes of drumlins (ie **only** being located there and **nowhere else**). This does not appear to be right. Is the important point the parish want to get across the last part of that clause ie that development should be below the skyline?

The examiner's instinct is correct... the important point the parish wishes to promote is that any development should, wherever possible, be below the skyline so as the help maintain the current landscape and protect the significant views which are highly valued by local people. As the policy goes on to explain, where "a development proposal impacts on an identified significant view, a landscape and visual impact assessment... must be carried out".

The parish is certainly not suggesting that any new building can only be located on the mid slopes of drumlins.

Appendix 2 - Recommendation 11–Table of Typographical and Formatting Corrections		
Para	Location	Correction
	Lancaster Planning Policies Tables (All tables)	Retitle reference to the Core Strategy as “<i>Lancaster District Local Development Framework Core Strategy</i>”
2.4	Second sentence - Line 2	Substitute ‘met’ for ‘meets’
4.2	Line 11	Missing word – insert “<i>improving</i>” after “There are some opportunities for”....
4.20		Insert new sub heading in bold “<i>Renewable Energy Projects</i>” At the start of para 4.20
WEN3	Car Parking – Line 1	Should read: “<i>Lancaster District’s</i> most up to date....”
5.20	Line 7	Delete the word ‘in’ after ‘during’
WEN4	Line 2 and 3	Delete the word ‘proposals’ from line 2 and insert it at the beginning of clause 1.
WEN4	Clause 2 Line 1	Add the word ‘<i>which</i>’ after the word ‘development’.
8.7	Line 2	Delete ‘the’ after ‘occurred in’
9.4	Line 1	Delete paragraph reference number ‘9.4’ and replace with ‘9.2’.