

**WRAY-WITH-BOTTON  
NEIGHBOURHOOD PLAN**

**LANCASTER CITY COUNCIL RESPONSE TO  
REGULATION 14 DRAFT PLAN**

**NOVEMBER 2017**

## **1. INTRODUCTION**

- 1.1 The City Council welcome the opportunity to provide comment and input into the preparation of the Neighbourhood Plan for Wray-with-Botton. The City Council support the benefits to constructive engagement and dialogue with the Parish Council in order to advance the Neighbourhood Plan (NP) for their area.
- 1.2 The comments which are provided in this response are given without prejudice and it is hoped the constructive nature of these comments and the issues raised will be positively and proactively addressed to help shape the final version of the Wray-with-Botton NP in order to prepare a finalised plan which is robust, well informed by evidence and accords with the basic conditions for neighbourhood planning, for example according with both national and local planning policy. The City Council welcome the opportunity to further discuss the issues raised in this response with the NP Group in order to resolve any issues with robustness and soundness.

## **2. GENERAL COMMENTS**

### Background Documentation

- 2.1 The City Council have now prepared and consulted on a draft Local Plan for Lancaster District (a Strategic Policies & Land Allocations DPD and a reviewed Development Management DPD). This will form the Strategic Plan for the wider district and will be the Strategic Plan which the NP must be in general conformity with. It is anticipated that the Publication Version of these DPDs will be published in early 2018, Public Examination later the same year and Adoption in late 2018 / early 2019.
- 2.2 The matter of emerging policy is picked up on page 10 of the draft NP and accurately reflects the position and weighting of emerging policy at this time. As the NP progresses it is important that it continue to accurately reflect the emerging positions contained within the local plan, in particular the Strategic Policies & Land Allocations DPD, Arnside & Silverdale AONB DPD and Development Management DPD.

### Engagement

- 2.3 NP provides information on how the local community and local planning authority have been engaged in the preparation of the NP, the engagement with these parties has been extensive and is welcomed.
- 2.4 However, it is not clear from the NP how the development industry, local landowners and infrastructure providers have been involved in the preparation of the plan, the extent of engagement should be clarified in the NP and how this has positively contributed to the preparation of the plan. Alternatively, if there has been little in the way of response from any of these parties this should also be stated in the NP.

### Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)

- 2.5 It is noted that SEA screening has recently taken place on the content of the Draft Plan. The City Council remain satisfied in providing support and advice to the NP Group in relation to SEA / HRA Screening Exercise and in particular providing a Screening Opinion to whether the content of the NP requires further SEA or HRA in order to accord with the Basic Conditions of Neighbourhood Planning. The preparation of this Screening Opinion will involve contacting statutory environmental consultees

(including Historic England, Natural England and the Environment Agency) before coming to a conclusion to whether the content of the NP has the potential to have any adverse impact on environmental designations. The Screening Exercise will conclude by providing a recommendation over whether SEA / HRA is required for the NP.

- 2.6 Wray NP have previously requested a Screening Opinion on their draft NP which was supplied in February 2017, the Screening Opinion highlighted a number of recommendations which included greater reference to the Bowland Fells SPA both within the policy text and justified reasoning number of policies (as set out in Table 3 of the HRA Screening Report). It is important that sufficient references are provided to ensure any impacts on the SPA can be addressed through the NP.
- 2.7 It is important that the Screening Exercise on the final content of the NP (and consideration of its outcomes) should be completed prior to the submission of the final version of the NP to the City Council. Should the Screening Exercise concluded that SEA / HRA is necessary then it will be for the NP Group to make a decision over whether such assessment work should be undertaken and it will be for the NP Group to undertake the required work.

#### Interpretation of National Planning Policy

- 2.8 Section 1.3 of the NP addresses matters of national planning policy, specifically the application of paragraphs 14 (and footnote 9), 115 and 116 of the National Planning Policy Framework. Paragraph 1.3.4 of the draft NP suggest that the interpretation of paragraph 14 and footnote 9 means that within AONBs, development should be restricted and objectively needs not be met.
- 2.9 The Council do not agree with this interpretation. The NPPF is quite clear that the delivery of Objectively Assessed Needs should be restricted in particular areas (such as AONBs), but it does not suggest that opportunities to meet objectively assessed needs should simply not be met, as described in paragraph 1.3.4.
- 2.10 Opportunities to meet development needs should be pursued and investigated through the plan-making process although, as accurately described within the NP, this should be done in the context of the designated landscape. It is therefore recommended that consideration is given to the wording provided in the Publication Version of Arnsdale and Silverdale AONB DPD in relation to objectively assessed needs, in particular paragraphs 3.1.3 to 3.1.7 of the document

### **3. VISION AND OBJECTIVES**

- 3.1 There are no specific comments to make on the proposed vision for the NP. It should be noted that the visions which relate to the Local Plan have now been updated – reference to the objectives contained in the Strategic Policies & Land Allocations DPD should be used in future iterations of the NP.
- 3.2 With regard to the objectives of the NP, the general structure and scope of the objectives are supported, however it is not clear how Objective VII can be delivered in land-use planning terms and it is not clear what is made by the term ‘traditions’. This should be clarified further.

#### **4. POLICY OS1: DEVELOPMENT STRATEGY**

- 4.1 The approach taken in Policy OS1 (Development Strategy) was broadly reflective of the draft Arnside and Silverdale AONB DPD which was published in 2016 for consultation. The reasons for the inclusion of this policy within the NP are understood, however it should be noted that Policy AS01 has now been significantly amended in final version of the DPD (Publication Version) in response to representations made via consultation on the draft DPD.
- 4.2 Given the NP group have previously expressed support for a consistent approach toward how development proposals will be considered in the Arnside and Silverdale AONB and the Forest of Bowland AONB it will be important that amendments are made to Policy OS1 to reflect the amendments which have been made in Policy AS01 of the Arnside and Silverdale AONB. It should be noted that whilst the Publication version of this DPD is due to be published by the end of this year that further changes may be made to this document through the Public Examination process, anticipated in the middle of 2018.
- 4.3 Recommendation: That the approach taken in Policy OS1 is amended to reflect the changes made to Policy AS01 to ensure parity in decisions are made between the two AONBs.

#### **5. POLICY OS2: LANDSCAPE**

- 5.1 Policy OS2 of the NP provides a specific approach to how landscapes will be dealt with as part of future development proposals, given the NPs position in the Forest of Bowland this is recognised to be an important element for the plan to cover. The approach taken to landscaping matters is reflective of those taken in draft Arnside and Silverdale AONB DPD which was subject to public consultation in late 2016. The reasons for the inclusion of this policy within the NP are understood, however it should be noted that Policy AS02 has been amended in the final version of the DPD (Publication Version) in response to representations made on the draft DPD.
- 5.2 Given the NP group have expressed support for a consistent approach toward how development proposals will be considered in the Arnside and Silverdale AONB and Forest of Bowland AONB it will be important that amendments are made to Policy OS2 to reflect the amendments which have been made in Policy AS02 of the Arnside and Silverdale AONB. It should be noted that whilst the Publication version of this DPD is due to be published by the end of this year that further changes may be made to this document through the Public Examination process, anticipated in the middle of 2018.
- 5.3 It is important that repetition is avoided where possible within the NP, the issue of landscaping is repeated in a number of other policies within the plan and opportunities should be taken to signposting to this policy throughout the plan which should reduce unnecessary repetition.
- 5.4 Recommendation: That the approach taken in Policy OS2 is amended to reflect the changes made to Policy AS02 of the Arnside and Silverdale AONB DPD to ensure parity in decisions made between the two AONBs. Consideration should also be given to whether opportunities exist to reduce unnecessary repetition on landscape matters within the NP.

## **6. POLICY OS3: GENERAL REQUIREMENTS**

- 6.1 The approach taken in Policy OS3 (General Requirements) was broadly reflective of the draft Arnside and Silverdale AONB which was published in 2016 for consultation. The reasons for the inclusion in this NP are understood, however it should be noted that Policy ASO3 has been withdrawn from the latest iteration of the DPD due to concerns over its content.
- 6.2 There is concern of the use of the phrase 'general requirements', for instance '*In additional to general requirements for all development set out in the Lancaster City Local Plan...*' It is not clear what general requirements in the local plan are being referred to, is it all relevant local plan policies? Is it key design policies? The term general requirements should be clarified for the benefit of the decision maker.
- 6.3 It is not clear what the general requirements policy is seeking to achieve as it looks to replicate elements of other policies within the NP, it should be noted that the NP (like all plan making documents) should be read as whole and unnecessary repetition avoided. Many of the criterion in Policy OS3 reflect the content of Policy OS2 relating landscaping matters. It is therefore recommend these issues would be better described in other policies.
- 6.4 Given the NP group have expressed support for a consistent approach toward how development proposals will be considered in the Arnside and Silverdale AONB DPD and the Forest of Bowland AONB it will be important that the changes to the AONB DPD are reflected in the NP. It should be noted that whilst the Publication version of this DPD is due to be published by the end of this year that further changes may be made to this document through the Public Examination process, anticipated in the middle of 2018.
- 6.5 Recommendation: That Policy OS3 is deleted from the NP with these matters better dealt with in Policies OS2 (landscape) and TRA1 (transport implications) to reduce unnecessary repetition in the NP and reflect the changes made to the Publication Version of the Arnside and Silverdale AONB DPD.

## **7. POLICY BE1: DESIGN**

- 7.1 There is support in principle for Policy BE1 which, whilst addressing similar issues contained in a number of policies in the district-wide local plan has sought to bring these issues into one, locally specific policy for the Wray area. The delivery of high quality development, in terms of construction, layout and design is welcomed by the Council, particularly given the village's location in the Forest of Bowland AONB.
- 7.2 Recommendation: No further comments to make.

## **8. POLICY BE2: LOCAL DESIGN PANELS**

- 8.1 Policy BE2 relates to the role of Wray Parish and/or members of the neighbourhood planning group in relation to proposals in the NP area which involve the use of local design panels. The approach set out in BE2 is largely reflective of the approaches taken in the Development Management DPD, in particular adopted Policy DM35 and emerging Policy DM26.

8.2 The use of the neighbourhood plan group within such design panels would be supported by the City Council although given that such design panels are usually associated with large development projects it is not clear that any circumstances in Wray would necessitate the use of a design panel. However, there is no objection raised over the inclusion of this policy in the NP.

8.3 Recommendation: No further comments to make.

## 9. POLICY H1: HOUSING DEVELOPMENT

9.1 Policy H1 of the Neighbourhood Plan sets out the approach towards housing development within the plan area. The policy sets out a supportive approach towards the conversion / sub-division of existing buildings for residential purposes, the re-use of brownfield (previously developed) land and on sites which have been allocated for development via the site assessment process.

9.2 Policy H1 identifies five allocations for future housing growth in the village which could contribute up to 26 new dwellings over the plan period. These allocations include the following sites:

- Appletree Farm & Paddock (5 dwellings) – Outline planning permission granted in 2015, this allocation formalises this extant permission.
- Hoskins Farm (15 dwellings) – No planning history associated for this site.
- Land adj. 45 Wennington Road (1 dwelling) – Planning permission granted in 2015, this allocation formalises this extant permission.
- Land at the New Inn (5 dwellings) – Planning permission granted in 2014, this allocation formalises this extant permission.
- Land at the New Inn Car Park (1 dwelling) – No planning history for this site.

9.3 As highlighted a number of allocations (approximately 40% of the overall supply) include sites which have already secured planning permission (either at full or at outline stage). There are no objections to the formalising of planning permissions in order to identify a supply of housing through the period of the Neighbourhood Plan however it is noted the scale of reliance place on extant permissions over the positive identification of new sites within the area.

9.4 The allocations which have been made in the NP have been informed by a site assessment process. The site selection process has considered an extensive range of sites within the NP area, focusing on land within, or adjacent to, the existing settlement of Wray. The scope of the site assessment is supported by the Council.

9.5 A key element to the assessment process has been the landscape impact from potential new development in the context of the Forest of Bowland AONB. At the point of drafting the NP the City Council had undertaken some broad assessment work on landscape impacts (undertaken by Arcadis consultants) which highlighted that there was potential capacity within the local landscape of Wray to accommodate limited levels of development, particularly on land to the east of the village.

9.6 Given the broad nature of the original assessment, the NP Group commissioned Alison Farmer Associates to undertake a more specific landscape assessment of potential development sites in the Wray area which has been published to accompany this draft plan. The work commissioned by the NP Group has concluded that there are no opportunities for any form of development on greenfield sites on the edges of the village.

- 9.7 Whilst it is clearly unfortunate that there are discrepancies and inconsistencies in the conclusions and recommendations of these separate assessments, it is recognised by the City Council that the more detailed assessment work which has been undertaken by Alison Farmer has been able to provide a more fine-grain, detailed assessment on landscaping matters in the local area.
- 9.8 Each of the sites identified in the site assessment process have been considered for their suitability, availability and deliverability. The principle of considering these aspects on a site-by-site basis is supported by the City Council.

#### Discounting of Sites

- 9.9 It is important that where sites have been discounted from the process that these decisions are justified by robust evidence, for example where sites have been discounted on highways grounds that there is a clear audit trail of information from the highways authority (i.e. Lancashire County Council) to justify such decisions. Where sites have been considered to be not available, again evidence should be provided. At this stage the site assessment work provides a useful and informative narrative but on a number of cases does not appear to be properly informed by evidence or discussion with infrastructure providers or landowners.
- 9.10 This lack of evidence does raise concern over whether a consistent and robust approach has been taken to reach the conclusions of whether sites should be discounted or not. It will be for the Neighbourhood Plan group to sufficiently satisfy themselves, the City Council, other interested parties and ultimately the Examiner that sufficient evidence has been collated to come to a genuine understanding on availability, deliverability and suitability.

#### Hoskins Farm

- 9.11 Two new sites have been identified in the draft NP, in particular the re-use of Hoskins Farm has been identified with the potential to deliver 15 new dwellings over the course of the plan period. The site is located in the centre of the village and is currently an operational farm holding for land which surrounds the village of Wray.
- 9.12 As previously mentioned, in identifying land for future development needs (whether in a local plan or a neighbourhood plan), the site assessment process need to come to a conclusion on availability, suitability and deliverability of the site to meet development needs. The robust completion of such an assessment ensures that the allocation of land in the plan-making process is not merely a tick-box exercise and that sites which have been identified have a genuine and realistic chance of being delivered through that plan-period.
- 9.13 The City Council have previously raised concerns over the realistic likelihood of the Hoskins Farm site being made available and developed during the NP period. Whilst the removal of the farm holding from the centre of the village (to be replaced with residential development) is clearly an aspiration of the community to improve traffic movement and residential amenity it is less clear whether this aspiration is shared by the owners of Hoskins Farm.
- 9.14 It is noted that a letter was submitted to the City Council in September 2016 which confirms the owner's intentions to vacate Hoskins Farm within the next 5 to 10 years subject to alternative arrangements being secured for their operations. However, this correspondence does contradict

other verbal exchanges with the Council from individuals claiming to represent the owners of Hoskins Farm.

- 9.15 Given the importance of the Hoskins Farm site in demonstrating that the NP is being positive and proactive towards future development and that the plan is genuinely seeking to address local housing needs it will be important that the issue of land availability is thoroughly tested and supported by up-to-date and robust evidence (from the owners of Hoskins Farm) that there is a genuine prospect of the site being made available during the NP period. This could be achieved via supportive representations from the owner of the Farm during this consultation period.
- 9.16 In relation to the suitability of the site for residential development, the site is brownfield in nature and is located within the centre of the village. It is therefore (in principle) highly appropriate for redevelopment should the site become vacant. However, there are clearly constraints to the site which require further understanding and potential assessment before it can be genuinely concluded that the site is suitable for development.
- 9.17 This is particularly the case in terms of highways impacts (access and highway safety) and the impacts on the historic environment (in particular the listed nature of some of the buildings on the site. Should these matters be resolvable then any future policy should provide some sort of guidance and framework to how development proposals should address these matters within the NP.
- 9.18 Notwithstanding the issues of availability and suitability, there is significant concern over the deliverability of the site for residential development. As suggested in the draft NP there is likely to be a need for a new agricultural holding to be constructed (presumably in the open countryside and within the Forest of Bowland AONB) in order to facilitate the re-use of the Hoskins Farm site.
- 9.19 There is no framework or mechanism provided in the NP for how this will be achieved, what the financial implications of this will be (i.e. will it be financially viable or expedient for the occupiers of Hoskins Farm to support such a relocation) nor whether the development of a new agricultural holding in the open countryside would be compatible with wider national and local planning policy.
- 9.20 At this stage there is no up-to-date evidence to demonstrate the site is available for development, there has been insufficient assessment over whether the site is suitable for development of 15 dwellings and there has been insufficient consideration over whether the site is genuinely deliverable. As a result the City Council are unable to support the allocation of Hoskins Farm for development.
- 9.21 Recommendation: The City Council support the principle of assessing sites for their availability, suitability and deliverability and support the range of sites included within the assessment. However concerns remain over the robustness of the assessment (particular issues beyond landscaping matters) with a potential lack of evidence over how sites have been discounted.
- 9.22 In relation to Hoskins Farm, the City Council are unable to support its allocation within the NP as it is not considered at this time to be available for development, suitable for development or deliverable within the plan period. Further assessment work and evidence will be required to demonstrate matters can be satisfactorily resolved.



- 9.23 Clearly, the potential absence of any allocations within the NP leads to concerns over how positive and proactive the plan is towards meeting the housing needs of the locality and potentially the wider AONB. This re-emphasises the importance of a thorough and robust site assessment process which is justified by proportionate evidence and, importantly dialogue with infrastructure providers and landowners.
- 9.24 Should these concerns be fully addressed and the review of the site assessment process still find that there are insufficient sites to meet local needs (which is demonstrated by thorough and robust evidence) then this should be the position that the NP group takes as it prepared its final version of the NP.

## **10. POLICY H2: HOUSING PROVISION**

- 10.1 Policy H2 sets out the generic approach to housing proposals within the NP area which is generally reflective of Policy DM5 of the Development Management DPD (albeit with the approach to major development proposals removed).
- 10.2 Previous comments provided by the City Council have highlighted the importance of having a generic based policy (to supplement the allocations made) for assessing future planning applications for housing in the NP area. This has been addressed by the NP group in this draft plan which is welcomed.
- 10.3 It would be worth noting however that the principles of Policy H2 are very similar to those set out in draft Policy DM5 of the Development Management DPD which relates to housing proposals within the Forest of Bowland AONB.
- 10.4 Whilst Policy DM5 is currently a draft policy and, as shown via the Arnside and Silverdale AONB, still subject to future amendment at either Publication or Public Examination Stage the NP group should still give some consideration to whether the approach taken in the Development Management DPD is sufficient to address these matters.
- 10.5 Ultimately, should the Wray NP adopt an approach which is radically different to the approach taken in DM5 then it is agreed that specific policy approach would be required. However, if the principles of DM5 are accepted then the NP group should consider whether it is better placed to ensure that the content of emerging Policy DM5 meets the requirements for housing proposals in the NP area (which would be achieved via representations to the Local Plan) which would ultimately provide a consistent approach across the Forest of Bowland AONB and parity in decision-making.
- 10.6 Recommendation: That consideration is given to the role of emerging Policy DM5 in the Development Management DPD and whether the approaches taken in this policy are broadly supported by the NP group.

## **11. POLICY RE1: RETENTION OF LAND FOR AGRICULTURE**

- 11.1 Policy RE1 seeks to protect the loss of agricultural land in the NP area unless land has been identified via the NP process.

- 11.2 Paragraph 112 of the NPPF states that '*Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference of that of a higher quality.*' Annex 2 of the same framework makes clear that the 'best and most versatile agricultural land' relates to land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 11.3 The agricultural grade of land in the Wray-with-Botton NP area is 3b, which is not included in the definition of the 'best and most versatile agricultural land' as per the NPPF. The approach taken in Policy RE1 therefore does not appear consistent with national planning policy in that it seeks to extend the role of paragraph 112 to cover all grades of agricultural land which is not the intention of the NPPF.
- 11.4 It is noted that the justification to this policy relates to the landscape patterns that strip fields creation, the importance of agriculture to the rural economy and that the agricultural land in the Wray area, whilst recognised to be of a poor quality, is in the context of the wider Forest of Bowland to be considered of a high standard. The Council would not support that this provides exceptional circumstances which warrant the protection of all agricultural land which is of the lowest grade, further evidence would be necessary in relation to local farming practices to attempt to justify the protection of Grade 3b land and this may be sufficient to protect specific areas, but not a blanket approach as currently described in Policy RE1.
- 11.5 Given the clarity of the NPPF in relation to the term '*best and most versatile*' it is clear that the current blanket approach taken in the NP for land which is not the '*best and most versatile*' is not consistent with national planning policy.
- 11.6 It is important to note that the protection of the '*best and most versatile*' agricultural land is already dealt with as part of Policy DM27 of the Development Management DPD. Therefore the refinement of Policy RE1 to accord with the NPPF will merely result in a duplication of policy between the NP and the strategic plan.
- 11.7 Recommendation: That the blanket approach taken to protecting all agricultural land which is outside of the definition of 'best and most versatile' is removed. That further evidence is provided to justify that specific elements of Grade 3b agricultural land should be protected. If this cannot be demonstrated the policy should be deleted.

## **12. POLICY RE2: DIVERSIFICATION AND RE-USE OF REDUNDANT AGRICULTURAL BUILDINGS**

- 12.1 Policy RE2 addresses proposals for the re-use of agricultural buildings for economic and tourism purposes. It should be noted that the adopted Development Management DPD already contains an approach toward the re-use of agricultural buildings for economic purposes via Policy DM9.
- 12.2 Given the existing policy framework within the Development Management DPD it is not clear what this policy is seeking to further achieve. Criterion I addresses matters relating to landscape matters within a designated landscape (a matter already dealt with via Policy DM28), criterion III addresses matters of residential amenity (a matter already dealt with via Policy DM35) and criterion IV

addresses matters of environmental impact on designated sites (a matter dealt with via Policy DM27).

12.3 There is concern over the approach of criterion II of this policy which places an expectation that new proposals in rural areas should be accessed by sustainable forms of transport, particularly non-motorised forms. Whilst the intention of this approach is welcomed a pragmatic approach needs to be taken in relation to this matter which seeking to encourage, rather than require proposals to be accessed by sustainable forms of transport. Given the rural nature of the NP area and the existing reliance on private transport the rigid approach taken is considered to be unreasonable and will unnecessarily restrict opportunity for small-scale economic growth in rural locations, contrary to paragraph 28 of the NPPF.

12.4 Recommendation: That careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policy positions found in Policies DM28, DM35 and DM27 of the adopted Development Management DPD.

### **13. POLICY RE3: SMALL SCALE ENTERPRISES AND FACILITIES FOR TOURISM**

13.1 Policy RE3 seeks to provide a policy approach the development of small scale enterprises (it is assumed by enterprise this means business and economic growth – but clarity on this matter would be beneficial) and tourism.

13.2 Given the existing policy framework within the Development Management DPD it is not clear what this policy is seeking to further achieve. Criterion I addresses matters relating to landscape matters within a designated landscapes (a matter already dealt with via Policy DM28), criterion III addresses matters relating to residential amenity (a matter dealt with via Policy DM35) and criterion IV addresses matters of environmental impact on designated sites (a matter dealt with via Policy DM27).

13.3 There is concern over the approach of criterion II of this policy which places an expectation that new proposals in rural areas should be accessed by sustainable forms of transport, particularly non-motorised forms. Whilst the intention of this approach is welcomed a pragmatic approach needs to be taken in relation to this matter which seeking to encourage, rather than require proposals to be accessed by sustainable forms of transport. Given the rural nature of the NP area and the existing reliance on private transport the rigid approach taken is considered to be unreasonable and will unnecessarily restrict opportunity for small-scale economic growth in rural locations, contrary to paragraph 28 of the NPPF.

13.4 Recommendation: That careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policy positions found in Policies DM28, DM35 and DM27 of the adopted Development Management DPD.

### **14. POLICY NE1: CONSERVATION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT**

14.1 Policy NE1 seeks to provide a policy approach toward the conservation and enhancement of the natural environment particularly in relation to wildlife, habitats and species. The policy is framed in relation to the NPs position in the Forest of Bowland AONB. Policy NE1 recognises the district-wide policy background in relation to matters of the natural environment, whether this be Policy DM27

(Biodiversity), Policy DM28 (Landscape) or Policy DM29 (Trees, Woodland and Hedgerows) which provides significant policy coverage to this issue.

- 14.2 Policy DM27 specifically deals with the protection of biodiversity value, whether that be in relation to an internationally designated site, nationally designated site or other environmentally sensitive sites and species. It is not clear how Policy NE1, particularly the first two paragraphs of the policy seek to provide a bespoke approach to this issue which would result in a different consideration by the decision-maker.
- 14.3 The NP seeks the decision maker to have regard to a range of documents which are local to the area of Wray, including the Forest of Bowland AONB Landscape Character Assessment, Wray Conservation Area Appraisal and the Wray-with-Botton Neighbourhood Plan Landscape Appraisal. The need to have regard to these documents are already addressed in alternative policies in the NP, specifically Policy OS2 (Landscape) and Policy NE3 (Historic Environment). It is therefore considered to be unnecessary duplication within the plan.
- 14.4 Policy DM29 is clear over the protection of trees and hedgerows which *'positively contribute, either as individual specimens or as part of a wider group, to the visual amenity and/or environmental value of the location.'* Given the strong approach already taken to this matter, again it is unclear how Policy NE1 contributes further to this matter.
- 14.5 Recommendation: That careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policy positions found in Policies DM27, DM28 and DM29 of the adopted Development Management DPD and Policies OS2 and NE3 of the NP.

## **15. POLICY NE2: LOCAL GREEN SPACE**

- 15.1 Policy NE2 seeks to provide a policy approach to designate 2 areas of green space for special protection. Local Green Space is a relatively recent level of protection which was introduced through the NPPF in 2012, by which *'local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them'*. The Local Green Spaces Assessment Report (Phase One), published by Lancaster City Council, has been used to inform and underpin this policy.
- 15.2 Within the Wray NP area a total of 4 sites were submitted through the City Council's 'Call for Sites' process to be considered for Local Green Space designation. Prior to which, as noted within the Neighbourhood Plan itself, the Council prepared a robust methodology which was subject to published for consultation in late 2015.
- 15.3 Following the assessment of the 4 sites nominated, Wray School Field was considered to be demonstrably special to the local community sufficient to warrant its designation as a Local green Space. Consequently, this site has been allocated within the Wray NP and is supported by the City Council.
- 15.4 Another of the 4 nominated sites has also been identified as a Local Green Space in the draft NP, the Flood Gardens. However, within the Local Green Space Assessment Report, published by Lancaster City Council it was deemed that further evidence was required prior to any designation of this site

and it is not clear from Appendix 5 of the NP what additional evidence has been collated in order to demonstrate this site as sufficient to warrant a Local Green Space Designation.

- 15.5 For the 2 other sites which were submitted to the City Council, Kiln Lane Strip Fields and River Roeburn Bank Land, the assessment process concluded that they were not to be put forward for allocation as Local Green Spaces and this direction has been followed in the draft NP.
- 15.6 The decision to designate Wray School Field as a Local Green Space has been raised by Lancashire County Council Education Department who own the land. National Planning Practice outlines guidance relating to ownership, stating that *'a Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.'*
- 15.7 In January 2017 the City Council wrote to all Local Green Space nominees to inform them of the outcome for their application. For those sites which the Council were seeking to designate within the emerging Local Plan, a letter was sent to all of the landowners to inform them that their land had been nominated (in case they were not aware of the nomination process) and that as a result of the assessment, their land had been put forward for allocation with the draft Local Plan as a designated Local Green Space.
- 15.8 It is therefore the role of Wray NP to formally inform Lancashire County Council of their intentions to designate Wray School Field as a Local Green Space to provide an opportunity for dialogue between the NP group and the County Council.
- 15.9 With regard to specific policy wording, the content of Policy NE2 is very similar to that of Policy SC2 of the draft Strategic Policies and Land Allocations DPD and unnecessary repetition or duplication should be avoided where it is possible to do so. It is also important to note that there may be slight changes made to Policy SC2 within the forthcoming Publication Version of the Local Plan and so this should be kept under review to ensure the two policies do not conflict with one another. The 'reasoned justification' element for Policy NE2 is also similar to the supporting text of Policy SC2 however it is recognised that it does provide a description of the two sites identified as Local Green Space.
- 15.10 Recommendation: That further evidence is provided to support the decision made to designate the Flood Gardens as a Local Green Space through Policy NE2. If this evidence cannot be provided, then the designation should be reconsidered in light of the Local Green Spaces Assessment Report (Phase One). Also, further engagement should take place with Lancashire County Council Education Team in light of the proposed designation of Wray School Field which will inform the process and make any future designation more robust.

## **16. POLICY NE3: HISTORIC ENVIRONMENT**

- 16.1 Policy NE3 sets out an approach to the historic environment and consideration required via any future development proposals, Policy NE3 provides reference to the relevant policies in the adopted Development Management DPD (or successor documents). The approach taken in Policy NE3 reflects the content of Policy AS08 of the Arnsdale and Silverdale AONB.

16.2 Within Paragraph 2 of Policy NE3 the following statement is made *'Proposals within the setting of historic assets must be recorded and interpreted.'* Whilst the Council would agree that archaeological features of interest should be surveyed and recorded (as referred to in Policy DM34 of the adopted Development Management DPD and Policy DM38 of the emerging DPD) however the requirement for all proposals within the setting of a heritage asset (where a setting can include significant distances) appears arbitrary and unjustified.

16.3 Recommendation: That reference to archaeological surveys in the settings of historical assets is either better clarified or removed from Policy NE3.

## **17. POLICY COM1: COMMUNITY ASSETS AND THE TRADITIONS AND ACTIVITIES OF THE NEIGHBOURHOOD**

17.1 Policy COM1 sets out a range of community assets within the NP area which should be protected from harm, these assets include a wide range of features including schools, community centres, green spaces, public houses, local shops, footpaths, agricultural land (in connection with annual festivals, bridleways, allotments and cyclepaths.

17.2 Whilst there is no objection for the NP to highlight the assets which are considered important to the community it is not clear how effective Policy COM1 is. The policy suggests that all assets identified should be protected in perpetuity allowing no opportunity for these assets to be re-assessed for their value during the plan period. This allows no opportunities for future diversity for what essential are in some cases private land or property. It is important that any policy which sets out assets of importance also sets out a mechanism for how that value can be assessed in the future.

17.3 It is important to note that Policy DM49 of the Development Management DPD sets out an approach for protection of Local Services which also includes a framework to how their value will be assessed in the future.

17.4 Some of the community assets mentioned should be protected via other policy means, particularly assets which relate to open space and PROWs, it is recommended that these features are removed from the listing in Policy COM1.

17.5 Recommendation: Policy COM1 is not at this point considered to be policy which can be effectively implemented for decision making purposes and further consideration should be given to mechanisms to assess ongoing value through the plan period.

## **18. POLICY TRA1: TRANSPORT IMPLICATIONS OF NEW DEVELOPMENT**

18.1 Policy TRA1 addresses potential transport impacts from new development relating to impacts on highways, cycling, walking, bridleways and car parking.

18.2 Criterion I relation to the need for transport improvements associated with new development, this appears to include the need for highway improvements, public transport improvements and the improvements for all modes of sustainable transport (including cycling and walking). It is not clear how the approach taken in this criterion differs from the wider approach taken in Policy DM20 of the adopted Development Management DPD which seeks to improve and encourage sustainable

transport links, improvements to the highways network (in terms of access to the network and highway safety) are also dealt with in the adopted Development Management DPD via Policy DM35.

- 18.3 Criterion II seeks improvements to the walking, cycling and bridleway network. It should be noted that Policy DM21 of the adopted Development Management DPD seeks improvements to the cycling and walking networks in the district. With the exception of reference to bridleways it is not clear how much more this criterion contributes to the existing policy framework with the adopted local plan.
- 18.4 Criterion III relates to car parking and the application of car parking standards, it is not clear what standards are to be applied. If they are to be specific standards applicable to the NP area this should be set out within the NP with evidence to justify why a differing parking standards are needed in the Wray-with-Botton area. If the NP is seeking to rely on district-wide standards then these can be suitability applied via the use of Policy DM22 (and appendix B) of the adopted Development Management DPD.
- 18.5 Recommendation: That careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policy positions found in Policies DM20, DM21, DM22 and DM35 of the adopted Development Management DPD. Should this policy be seeking to provide car parking standards which are different to the standards already set out in the local plan, these should be clearly set out within the NP and appropriately evidenced.

## **19. POLICY TRA2: COMMUNITY INFRASTRUCTURE**

- 19.1 Policy TRA2 highlights the priorities for the spending of any monies from planning obligations either via Section 106 agreements or the Community Infrastructure Levy (CIL). The priorities relate to the provision of off street car parking and improvements to transport infrastructure in and around the village including for cycling, walking and public transport.
- 19.2 The approach taken in the Neighbourhood Plan to how development contributions should be spent are supported and is in accordance with paragraph 46 of the NPPG. However, it is recommended that a greater flexibility is provided in the source of contributions which recognises the expected changes to CIL as set out in the Housing White Paper of February 2017 (in particular the emergence of a Local Infrastructure Tariff (LIT) which is likely to replace CIL in the future).
- 19.3 Recommendation: The reference to Local Infrastructure Tariffs (LIT) is added to the Policy to reflect the Governments emerging approaches to developer contributions.

## **20. POLICY TRA3: IMPROVEMENTS TO SAFETY ON LOCAL ROADS**

- 20.1 Policy TRA3 addresses issues of road safety setting out an intention for road safety improvements to be installed over the plan period.
- 20.2 Whilst the Council would support highway improvements which address highway safety (whether in Wray or elsewhere in the district) it is important to highlight the role of the NP as a land-use plan which deals specifically with land-use matters. Should the matter of highway safety relate to the design of new development, this would be better dealt with elsewhere in the NP (and should be noted is already addressed via Policies DM20 and DM35). Should the matter of highway safety relate

to the delivery of new infrastructure, this would be better dealt with elsewhere in the NP such as via Policy TRA3.

- 20.3 Recommendation: It is considered that the general approach taken in Policy TRA3 does not reflect a land-use policy and should be deleted from the NP, with these matters more effectively address either elsewhere in the NP (in particular TRA2) or relying on the existing approaches set out in Policies DM20 and DM35.