

CATON WITH LITLEDALE NEIGHBOURHOOD PLAN Submission Draft Version

**A report to Lancaster City Council
into the examination of the
Caton with Littledale Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Caton with Littledale Neighbourhood Development Plan has been prepared to set out the community's wishes for the villages of Caton, Brookhouse, Caton Green, Forge Mill and Littledale and the surrounding countryside. The parish lies in the Forest of Bowland AONB; the village of Caton lies about 5 miles north east of Lancaster.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- The deletion of Policy CL6;
 - The addition of a new section on Implementation and Monitoring;
 - Clarification of the wording of policies and the supporting text; and
 - The improvement of the clarity of the Policies Map.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Caton with Littledale Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Caton with Littledale Neighbourhood Plan.
- 2.2 The plan area covers the parish of Caton with Littledale which is situated in the Forest of Bowland AONB. The village of Caton lies about 5 miles north east of Lancaster. At 2011 the parish had a population of 2738. The plan area includes the Calf Hill and Cragg Woods SAC and Bowland Fells SPA.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Caton with Littledale Neighbourhood Plan (CWLNP) by Lancaster City Council (LCC) with the consent of Caton with Littledale Parish Council (PC) in March 2022. I do not have any interest in any land that may be affected by the CWLNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is 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 Planning and Compulsory Purchase Act 2004 Section 38A.

2.5 An Independent Examiner must 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 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

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 (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The following prescribed condition relates to neighbourhood plans:

- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing. One representor has requested a hearing. However, I am

satisfied that they have had the opportunity to present their evidence in writing at both Regulation 14 and 16 stages of the plan making.

- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the CWLNP.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by Caton with Littledale Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 1.3 of the Consultation Statement confirms that Neighbourhood Plan area was designated by LCC on 2 July 2015. Paragraph 2.5 of the Basic Conditions Statement confirms that there are no other neighbourhood plans covering this area.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states that this is from 2021 to 2031.
- 2.15 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. I am satisfied that the CWLNP policies are compliant with this requirement.
- 2.17 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the CWLNP satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.18 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as

part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.

- 2.19 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.20 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.21 The NPPF of July 2021 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019. The CWLNP refers to the NPPF of February 2019. It is suggested that quotations and paragraph numbers should be checked before the final plan is published.
- 2.22 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the delivery of strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.23 Table 2 and the subsequent paragraphs of the Basic Conditions Statement includes comments on how the policies of the CWLNP have taken account of relevant sections of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Recommendation 1: Check and update any references to and quotations from NPPF of February 2019 to those of July 2021.

Basic Condition 2 - Contributes to sustainable development

- 2.24 A qualifying body must demonstrate how a neighbourhood plan contributes 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 objectives of sustainable development: economic, social and environmental.

- 2.25 Table 1 of the Basic Conditions Statement describes how the plan has drawn up to deliver the three dimensions of sustainability, namely environmental, social and economic.
- 2.26 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.27 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area.
- 2.28 The adopted Local Plan for the plan area is the Lancaster District Local Plan (the Strategic Policies & Land Allocations DPD and reviewed Development Management DPD) were adopted by the Council on the 29 July 2020. Work is underway on the review of the Local Plan and the Council submitted the Lancaster District Climate Emergency Review of the Local Plan 2020-2031 on the 31 March 2022.
- 2.29 Table 3 of the Basic Conditions Statement assesses how the Neighbourhood Plan policies conform to the strategic and other relevant planning policies of the adopted Lancaster District Local Plan.
- 2.30 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.31 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.32 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment (SEA) is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (LCC) that the plan is not likely to have “significant effects.”
- 2.33 A Strategic Environmental Assessment (SEA) screening opinion was prepared by LCC for the draft Pre-Submission Neighbourhood Plan in May 2021. The report was updated in September 2021 to address various concerns raised.
- 2.34 The Basic Conditions Report sets out the following conclusion of the screening outcome as set out in section 4 of the screening from the February 2020:

“4.1 Initial internal screening of the Neighbourhood Plan concludes that it is unlikely that the Neighbourhood Plan would result in a significant environmental effect. The strong focus of the Neighbourhood Plan on the protection of the environment, heritage assets, its AONB focus, and lack of allocations make it unlikely to result in significant effects.

“4.2 In order to ensure compliance with the SEA regulations it is recommended that a monitoring and implementation framework be included within the Plan to ensure that the effects of the plan are appropriately monitored and to identify what actions will be undertaken where implementation is not occurring as planned. Responsibility for actions should also be identified.

“4.3 Whilst environmental protection is at the forefront of the Plan the Plan does need to make specific reference to the Calf Hill and Cragg Woods SAC and Bowland Fells SPA and the need for development to be in compliance with the requirements of these designations and ensure their protection from both direct and indirect impacts. This amendment would ensure compliance with the SEA regulations.

“4.4 Subject to the above amendments the council is satisfied that the Plan is unlikely to result in significant effects.

- 2.35 It is noted that the Submission NDP now includes specific references to Calf Hill and Cragg Woods SAC and Bowland Fells SPA in paragraph 4.2.1.
- 2.36 The CWLNP does not include a monitoring and implementation framework as required under point 4.2. I have requested this from the PC and they have provided suitable text which I am recommending should be included as a new section 7 of the CVLNP.
- 2.37 The Basic Conditions Report states that Historic England responded to the consultation on an early version of the SEA to state that *“Based on the analysis set out in the Screening Opinion, and within the areas of interest to Historic England, we advise that the emerging plan is likely to result in significant environmental effects (positive or negative) and, therefore, it does need SEA. In coming to this view, we have taken the following factors into consideration:*
- *The plan area contains a number of heritage assets including several listed buildings, and the potential for non-designated assets.*
 - *Heritage assets are fragile and irreplaceable and can be damaged by change through development both directly and indirectly by development in their setting.*
 - *The plan is expected to allocate sites for development.*
- 2.38 Following receipt of advice from Historic England, the Conservation Team at Lancaster City Council provided information (in the form of a Heritage Assessment) to support the SEA / HRA Screening Opinion. The assessment supported the view that the plan would not have a significant effect on heritage assets. On this basis the LCC has maintained their original screening response with no further work required.

- 2.39 The Environment Agency commented on an early version of the SEA that *“We have reviewed the draft reports and agree with the conclusions that in both instances SEA and HRA are not required.”*
- 2.40 It is unclear whether the statutory environmental bodies were consulted on the revised report at September 2021 so LCC has consulted them during the examination for confirmation. Historic England and the Environment Agency have confirmed that they are happy with the conclusions of the SEA screening report. Natural England has made no comments on the SEA.
- 2.41 It is recommended that the SEA screening opinion and the Basic Conditions Report should be updated to record the findings consistently of the latest screening opinion and the response to consultation with statutory environmental bodies.
- 2.42 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan’s implementation.
- 2.43 LCC prepared a screening opinion to determine whether or not the content of the proposed CWLNP is likely to require a Habitats Regulation Assessment (HRA). The HRA noted that there are a number of Natura 2000 designated sites that could potentially be affected by the Caton-with-Littledale Neighbourhood Plan. This includes two Natura 2000 sites within the boundary of the plan area as well as Natura 2000 sites which whilst outside of the boundary could potentially be affected by the Neighbourhood Plan.
- 2.44 The Habitats Regulation Assessment (HRA) screening opinion was prepared by LCC for the draft Pre-Submission Neighbourhood Plan in May 2021. The report was updated in September 2021 to address various concerns raised.
- 2.45 The Basic Conditions Report sets out the following conclusion of the screening outcome as set out in section 6 of the screening determination from the HRA of February 2020:
- “6.1 The HRA Screening Report of the Caton-with-Littledale Neighbourhood Plan has considered the potential implications for European designated sites within and near the Neighbourhood Plan area boundary.*
- “6.2 The detailed screening of policies within table 3 has identified that several policies require amendments to their wording to improve the clarity of the policies. The City Council wish to make clear that the suggested amendments relate to improving the wording of policies and are not suggested mitigation measures. The need for mitigation measures has not been suggested through this process.*
- “6.3 Following the initial HRA screening the City Council are satisfied that the Neighbourhood Plan would not have any likely significant effects on the designated sites identified either alone, or in-combination with other plans or projects.*

“6.4 The views of the three statutory bodies is required to confirm this conclusion.”

- 2.46 The Basic Condition Report states that Natural England were consulted on the HRA Screening Report in February 2020. It is unclear whether the statutory environmental bodies were consulted on the revised report (September 2021) so LCC has consulted them in June 2022 during the examination for confirmation.
- 2.47 Natural England responded in 2020 to say that because there are general policies supporting development in the neighbourhood plan and this neighbourhood plan is advancing ahead of an up-to-date Lancaster Local Plan, the neighbourhood plan needs a good environmental policy. This environmental policy will cover all existing site allocations, the policies which support development and other developments coming forward in the neighbourhood plan area.
- 2.48 They advised that Policy CL4: Natural Environment should be strengthened to include a reference to the Habitats Regulations and net gain. Part (IX) of the policy also needs to be revised as it currently confuses net gain with mitigation or compensation.
- 2.49 In their response to the consultation in June 2022, Natural England commented that they welcomed the reference to net gain being included however they continued to recommend including reference to the Habitats Regulations in Policy CL4.
- 2.50 If these changes were made, they advised that the HRA can then conclude no likely significant effects for all the general policies which support development because of the strengthened environmental policy.
- 2.51 I have recommended a modification to Policy CL4 in accordance with the recommendation from Natural England.

Recommendation 2:

Update the background evidence to include the SEA and HRA Screening Opinions of September 2021. Ensure that the Basic Condition Report is consistent with and refers to the updated screening opinions of September 2021. Include the latest responses from the statutory environmental bodies to the consultation on the Screening Opinions.

Add the following new section 7 to the Plan on Implementation and Monitoring:

“7. IMPLEMENTATION AND MONITORING

“7.1 The Neighbourhood Plan will be delivered and implemented over the period to 2031. Different stakeholders and partners will be involved. Flexibility will be needed as new challenges and opportunities arise over the plan period. In this respect, implementation, monitoring and review will be crucial.

“7.2 Caton with Littledale Parish Council will be the responsible body to manage and oversee the implementation of the Neighbourhood Plan.

“Key Activities

“7.3 There will be three key strands of activity which will direct delivery and each is important in shaping the plan area in the months and years ahead.

These comprise:

- I The statutory planning process will direct and control private developer and investor interest in the Parish in the context of the Neighbourhood Plan, Lancaster City Council Local Plan and the National Planning Policy Framework. The Parish Council (in its role as statutory consultee to planning applications) and Lancaster City Council as the Local Planning Authority will use the Neighbourhood Plan to assess the appropriateness and suitability of applications. This assessment will help inform the Parish Council’s response to the application (e.g. written representations in support of, or in objection to the proposals) and will inform the Local Planning Authority’s final decision. In summary, planning applications that are broadly in accordance with both the Lancaster City Local Plan, and with the Neighbourhood Plan should be supported while those that are not should be refused.**
- II Investment in, and management of, public services, assets and other measures to improve local services and vitality and viability for the Parish. In the context of the prevailing economic climate and public funding there is a recognition that public investment in the Parish will be challenging to secure. The Community Infrastructure Levy (CIL), if introduced by Lancaster City Council, could contribute a small amount through new development. In the meantime, Section 106 of the Town and Country Planning Act 1990 allows for agreements between developers and Lancaster City Council, with financial contributions towards necessary services and infrastructure improvements. Such contributions resulting from developments within the Neighbourhood Plan designated area should be allocated towards improvement or addition of local services and /or the securing of environmental benefits for Caton with Littledale Parish residents and community.**
- III The voluntary and community sector will have a strong role to play particularly in terms of local community infrastructure, events and Parish life. This sector is likely to play an important role in the future, and includes, but is not limited to, Victoria Institute and include other key community and voluntary groups**

“Key Areas of Action

“7.4 The key areas of action summarises the Parish Council’s approach to delivery and implementation of the Neighbourhood Plan:

“Housing Development

“7.5 The Parish Council will work with local landowners, developers and Lancaster City Council to ensure that sustainable growth in new housing over

the plan period is delivered to meet identified local needs in the Neighbourhood Plan area.

“Rural Economy

“7.6 The Parish Council will encourage businesses to improve local employment opportunities for local people and work with landowners and stakeholders to bring brownfield sites forward for redevelopment or conversion into economic use.

“Natural Environment

“7.7 The Parish Council will work with Lancaster City Council, The Forest of Bowland AONB Unit, Lancashire County Council and other statutory bodies and agencies together with landowners and stakeholders to ensure the natural environment is protected from inappropriate development.

“Monitoring and Review

“7.8 The Caton with Littledale Neighbourhood Development Plan is a ‘living’ document and as such will become an integral component of the stewardship of the Parish Council.

- a) The Parish Council meeting will include a regular agenda item to monitor and action activities to progress the implementation of the Neighbourhood Development Plan. A regular agenda item will also be included to monitor the use of policies within the plan by the City Council when determining applications in the parish.***
- b) The Parish Annual Meeting will report on annual progress achieved, and set out the programme aims and key activities for the subsequent year ahead integrating this within its own forward planning processes.***
- c) The Parish Council will monitor the progress of implementing the Neighbourhood Development Plan every 3 years. The focus of the monitoring will be to ensure that the policies made are effectively contributing to the realisation of the vision and objectives set out in the Neighbourhood Development Plan. Any resulting proposals to correct and improve policies to meet the vision and objectives will require to be undertaken through a review of the Neighbourhood Development Plan in full collaboration with Lancaster City Council. Evidence will also be reviewed and updated as required.”***

2.52 Subject to the recommendations above and to Policy CL4, I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.

2.53 The Basic Conditions Statement on page 60 considers how the plan has taken Human Rights into account. and states that: *“The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been*

prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels.”

- 2.54 From my review of the Consultation Statement, I have concluded that the consultation on the CWLNP has had appropriate regard to Human Rights.
- 2.55 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 CWLNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.56 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.57 The Consultation Statement sets out a full account of the consultation process, the method of consultation and the responses received at each stage. Consultation during the preparation the plan was carried out as follows:
- 9 October 2015 - a public meeting was held in the Victoria Institute attended by approximately 60 residents to assess support for developing a Neighbourhood Development Plan and identify possible project leaders. Some initial ideas and concerns were gathered.
 - 12 November 2016 - A consultation drop-in event was held at Victoria Institute Autumn Fair on 12 November 2016. This included a display stand and members of the Steering Group in attendance to discuss issues with local residents. 56 people including 3 children/young people commented.
 - Between November and January 2017 - two surveys were carried out in the parish. One was for adults to complete and the other the young people in the parish.
 - February / March 2017 Informal Consultation on a draft Caton-with-Littledale Neighbourhood Development Plan Issues and Options. The Draft Neighbourhood Plan was posted on the website and a summary of the document was posted to very household between 4 - 6 March 2017. Drop in sessions for residents to discuss the plan were held at the Victoria Institute on 9, 11 and 14 March.
 - 15 May to 26 June 2017 – Regulation 14 Consultation – An e-mail or letter was sent to all Consultation Bodies, including neighbouring Parish Councils, providing information about the consultation dates and the locations where the Draft Plan and accompanying documents could be viewed and downloaded. The consultation process was also promoted through the use of posters on the

village notice board and a summary document and comments form to all households in the parish.

- Over the course of 2018 and early 2019, several meetings took place with officers from Lancaster City Council to discuss the content of the re-worked Neighbourhood Development Plan, including the potential allocation of sites for housing development.
- September 2019 Informal Consultation - Following the production of further studies on the cumulative site assessments and ecology, it was decided to hold consultation drop in sessions with residents and developers to allow the villages to comment on aspects of the plan: including the designation of Green Spaces, the Area of Separation and potential Development Sites. Two events were held: on 24 September at Caton Victoria Institute and on 25 September at Brookhouse Methodist Church.
- October 2019 – consultation with the Highway Authority in relation to whether a safe access could be provided to each of the development sites.
- 3 March 2020 - The developers of potential development sites were invited to speak to the Steering Group.
- 7 May to 20 June 2021 – Second Regulation 14 Consultation– An e-mail or letter was sent to all Consultation Bodies, including neighbouring Parish Councils, providing information about the consultation dates and the locations where the Draft Plan and accompanying documents could be viewed and downloaded. The consultation process was also promoted through the use of posters on the village notice board and a summary document and comments form to all households in the parish. There were 2 responses from residents, 9 from stakeholders and statutory consultees and 3 submissions from local developers/ land agents and their agents proposing sites for residential development.

2.58 Consultation on the Regulation 16 Submission draft Plan was carried out by LCC from 18 November 2021 to 6 January 2022. In total 10 responses were received.

2.59 I am satisfied that from the evidence presented to me in the Consultation Statement that adequate consultation has been carried out during the preparation of the CWLNP.

2.60 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

3.0 Neighbourhood Plan – As a whole

- 3.1 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 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses 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).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that *“a policy 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. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area”*. I will consider this requirement as I examine each policy.
- 3.5 The CWLNP is a clear, well presented plan that identifies policies on development, landscape, housing, environment, dark skies, historic environment, design, economic development, community facilities and infrastructure.
- 3.6 LCC has noted that Caton and Brookhouse are identified as Sustainable Rural Settlements under Local Plan Policy SP2 and have been since 2004 in previous local plan policies as they have good access to a wide range of services and good connectivity to other larger settlements. They state that *“In principle, they are a suitable location for future growth in the rural area and a focus for growth over other, less sustainable, locations within the vicinity. Whilst growth is supported in this area, the City Council would recognise that growth must be achieved in the context of the surrounding national landscape designation and in the context of national planning policy.”* I have considered the approach taken to future development in the plan under relevant policies.
- 3.7 There are several references in the Plan to policies in the Arnside and Silverdale AONB DPD. The CWLNP lies within the Forest of Bowland AONB which has its own distinctive character and care is therefore needed to ensure that the policies as applied in the CWLNP are relevant to and reflect its characteristics and special qualities. I have carefully considered each policy to ensure that it is applicable to the Plan area and provides land use planning policy; that it is clearly worded and is capable of being applied consistently by decision makers.

- 3.8 The introductory sections of the Plan set out the background to the preparation of the plan, the reasons for preparing the Plan and the planning policy context.
- 3.9 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes. The justifications to the policies are clear and succinct and set out the background to the policies and the strategic context. A number of the justifications include a summary of the points raised in the consultations by way of supporting the policy. Whilst this provides a useful context of the views of the community, it does not constitute evidence. Where relevant I have recommended that these sections should be reduced or deleted and reference made to relevant background evidence reports.
- 3.10 The Policies Map has been prepared for the parish as a whole with an inset map for the villages of Caton and Brookhouse. It is clear and legible. Other maps are included within the text to show areas in more detail.
- 3.11 LCC has proposed a revision to paragraph 1.6.1 which the CWLPC has agreed to.

Recommendation 3:

Revise the second sentence of paragraph 1.6.1 to read: “This will be detailed in the Consultation Statement *which can be read in conjunction with this Plan.*”

The Neighbourhood Plan

Vision and Objectives

- 3.12 The Plan includes a detailed Vision statement, an overall aim and seven objectives. The objectives clearly form the basis for the plan’s policies.
- 3.13 A representation seeks a revision to the 4th paragraph of the Vision to refer to the provision of “*identified local and strategic housing needs as a minimum*”. Also an amendment to the 3rd objective to refer to the provision of a sufficient supply of suitable land to meet the needs of the plan area and the strategic needs of the District as a minimum.
- 3.14 I have given consideration under Policy CL15 to whether the plan has made appropriate provision for housing to deliver the Local Plan policy, both through the allocation and potential windfall development. In the circumstances, I consider that the wording of the Vision and Objective is satisfactory and no modifications are proposed.

Policy CL1: Development Strategy

- 3.15 This policy has been adapted from Policy AS01 in the adopted Arnside and Silverdale AONB DPD. It is considered that parts 1 – 3 of the policy have struck an appropriate balance in the landscape capacity led approach to development in

accordance with national policy for safeguarding AONBs and making provision for development in the sustainable settlements and more rural areas in accordance with NPPF and Local Plan Policy SP2.

- 3.16 Section 3 of the policy refers to development on the edge of and outside Sustainable Settlements. It sets out the “exceptional” forms of development that will be permitted in these locations. NPPF paragraph 80 and 84 define the types of housing and business development that may be acceptable in rural areas. These forms of development are not described as “exceptional” and it is not considered appropriate for Policy CL1 to define them as such. It is considered that the types of development set out in criteria d) to h) accord with the NPPF guidance.
- 3.17 Section 4 on Major Development repeats NPPF para 177 and footnote 60 without adding any locally specific guidance on the matter. It is considered unnecessary for a neighbourhood plan to repeat national or strategic policies. I am proposing therefore that section 4 on Major Development should be deleted from the policy and an explanation added to the justification to explain that major development proposals will be considered against national planning policy. The PC has suggested that an additional paragraph on high quality design should be included in the justification. It is considered that the subject of design is adequately addressed under Policy CL9 and it not necessary or appropriate to introduce additional text in Policy CL1. I have recommended appropriate revisions to the wording of the policy text to address my concerns.
- 3.18 The penultimate paragraph of the policy should be included in the justification by way of an explanation of Major Development in the AONB. LCC has highlighted that the word “intimate” in this paragraph is inappropriate and does not reflect the landscape character of the AONB which is better described as “expansive”. The PC has proposed that it should be deleted.
- 3.19 Under the heading of “Brownfield Land” the text is a reminder that the assessment of a development on brownfield land should give full and careful consideration to the impacts of the development on the AONB. The section adds no locally specific guidance and it is therefore recommended that it should be deleted from the policy. It would be helpful to plan users to include explanatory text in the justification to provide general guidance on how development on brownfield sites should be considered. The PC has supplied suitable text which I am recommending to be included in the justification.
- 3.20 The justification under this policy includes a section headed Housing Growth in the Parish. This section explains the process that has been undertaken in assessing potential housing sites. It would be helpful to plan users if reference were made to the strategic policy on housing growth in Sustainable Settlements and the proposed housing allocation in the Plan under Policy CL15.
- 3.21 A representation has been made seeking a revision to part 2 of the policy to include reference to development on the edge of the settlement meeting the strategic needs of the wider District and reference to the site allocation under Policy CL15.

- 3.22 The representation also seeks a revision to part 3 of the policy to delete “on the edge of” and include “*in the countryside outside and remote from Sustainable Settlements.*”
- 3.23 No change is recommended in response to this representation. It is considered that the wording of this section of the policy provides an appropriate approach to consider development proposals on the edge of and outside settlements. Subject to the deletion of the reference to them being “exceptional” it accords with national and strategic policies.
- 3.24 Representations have been made supporting the landscape-led approach, given the AONB status of the Neighbourhood Plan Area. However, they state that “*given the serious need for an increase in housing delivery within the District, sustainable rural settlements including Caton and Brookhouse must allocate more land for residential growth. The location within the AONB should not be a reason to prevent development that will help to underpin the vitality and viability of the settlements.*”
- 3.25 I am satisfied that subject to the modifications, the policy accords with the strategic approach in general terms to provide the framework for considering development proposals.

Recommendation 4: Revise Policy CL1 as follows:

Delete “will be treated as exceptional” from Section 3 on Developments on the edge of and outside Sustainable Settlements.

Delete the section on Major Development and add the following text in the justification: after paragraph 3.1.4.

“Proposals for major development in Caton-with-Littledale Parish will be considered against the guidance in the NPPF and the additional local guidance:

“Whether a proposal is ‘Major Development’ is a matter for the decision-maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined and taking into account CWLNP Policy CL2 Landscape and other relevant planning policies.

“In determining whether exceptional circumstances exist, Lancaster City Council will assess the proposal using the criteria set out in the NPPF paragraph 177 (or as revised).

“The nature of the AONB landscape means that even some smaller-scale proposals may be considered to be major developments depending on the local context.”

Delete the section on Brownfield Land. Include the following explanatory text in the justification after the section on Major Development to provide general guidance on how development on brownfield sites should be considered:

“Whilst the Plan seeks to promote the role of brownfield sites for new development, proposals on such sites should be assessed against whether they help to deliver the primary purposes of the designation of the area as AONB.

“In determining planning applications, the Local Planning Authority will seek to carefully assess the ambitions of securing the long-term and productive re-use of brownfield sites against the importance of protecting this nationally important landscape. In doing this, careful consideration will be given to wider policy ambitions within the Lancaster District Local Plan, specifically Policy DM46 which relates to development and landscape impact.”

Add the following to paragraph 3.1.10: “Local Plan Policy SP2 sets out the settlement hierarchy and the strategic approach to development in sustainable rural settlements in the AONB and other rural villages. An allocation for “in the region of 12 dwellings” is included in the CWLNP under Policy CL15.”

“In determining the suitability of any development site in relation to the settlements of Caton and Brookhouse, a planning judgement will have to be applied as to how well the site relates to the built form of the settlement.

Revise paragraph 3.1.11 to read: “.....will be made. Residential development proposals should demonstrate that they contribute towards meeting a proven housing need in the parish and surrounding area through an up to date housing needs survey. They should be in accordance with Local Plan Policy SP2 and contribute to the delivery of the housing requirement set out in Local Plan Policy SP6. They should also include a landscape assessment..... or mitigated.”

Policy CL2: Landscape

- 3.26 This policy has been adapted from Policy AS02 in the adopted Arnside and Silverdale AONB DPD.
- 3.27 LCC has commented on criterion (d) which requires the decision maker to make a decision over the cumulative and incremental impacts of development, specifically referring the impact of existing development in relation to ‘unintended impacts’, Permitted Development Rights and licensing certification.
- 3.28 LCC has commented that “*Whilst there is no objection in considering the cumulative impacts on the landscape through the application process the policy gives no guidance on how such consideration should be achieved and what requests are being made of applicants to achieve this expectation. A good example of this in the use of reference to ‘unintended impacts’ without giving any reference to what is meant by this term.*” The PC has referred me to a document on the implementation of this Policy which contains explanatory text. I am recommending a modification to include this text in the justification to better explain the implementation of the plan.

- 3.29 The supporting text to the policy includes a section headed Local Evidence. However, this is a summary of the responses that have been received at various consultations on the Plan. It is useful contextual material but does not provide an evidential basis for the policy. I am proposing that this section of the justification is deleted.
- 3.30 Representations have been made supporting the landscape-led approach when assessing allocations and planning applications. However, they state that *“it must also be recognised that good design and landscaping can mitigate against harms. In many instances, it can help to promote landscape character.”*
- 3.31 I am satisfied that the policies of the plan seek to ensure that development proposals respect and enhance the landscape features.

Recommendation 5: Revise Policy CL2 as follows:

Delete the section Local Evidence and paragraphs 3.2.13 – 3.2.18.

Add the following text to explain the implementation of the policy to the justification:

“3.2.13 The character of the landscape in the Neighbourhood Plan area is a highly valued asset. The wooded valleys and field patterns stretching out to open moorland are defining features, in addition to the valley floodplain. It is the unique combination of elements and features (characteristics) in this area that makes the landscape so distinctive and resulting in a strong sense of place. The AONB is part of the cultural and natural heritage of the nation and if these characteristics are damaged, for example by insensitive development, then that will compromise the primary purpose of the AONB and the enjoyment of the area by the public.

“3.2.14 In order to best serve the primary purpose of AONB designation, new development must relate to the established character of the area (as described in the Forest of Bowland Landscape Character Assessment) in which it is to be located. It must integrate with its setting and be in keeping with neighbouring buildings and the landscape by appropriate siting, nature, scale, proportion, massing, design, materials and landscaping. It must respect the prevailing proportion of buildings to gardens and green space.

“3.2.15 New development can make a positive contribution to the landscape but can also harm it in a number of ways. For example, new features that are uncharacteristic of the landscape may be introduced that detract from the local vernacular building style, intrude into skylines or obstruct or erode important views. Important landscape features such as hedges, drystone walls and mature trees may be damaged or removed. Over time, development can lead to the gradual erosion of local distinctiveness and in a protected landscape of such unique character; this sort of cumulative loss and harm must be avoided in order to serve the primary purpose of AONB designation.

“3.2.16 Development proposals within the AONB or affecting its setting will have to demonstrate clearly that they are appropriate to the landscape character type and designation, taking into account the wealth of landscape character evidence and guidance available. Lancaster City Council may require the submission of a Landscape and Visual Impact Assessment (LVIA) undertaken to recognised Landscape Institute standards, and will also expect proposals to have regard to the content of the AONB Management Plan.

“3.2.17 When considering the cumulative and incremental impacts of development, developers and decision makers should ask themselves: ‘Can the impacts of this development proposal (in the context set out in the policy) on the landscape character and visual amenity be mitigated?’ If yes, proceed with considering proposal in principle, subject to all other considerations. If no, refuse permission.

“3.2.18 The sense of tranquillity is a special quality of the AONB but is gradually being eroded by increases in noise, activity, traffic and disturbance. The scale and type of new development and level of activity along with journeys to and from a site will affect tranquillity and will be a factor in determining whether or not a proposed development can proceed.

“3.2.19 All light pollution, however small, contributes to the general erosion of darkness in the AONB. The spilling of light beyond a site boundary and into the surrounding countryside can be disturbing to wildlife and have an intrusive visual impact. Light pollution contributes generally to the urbanisation of the rural landscape and the loss of darkness in our night skies and should be minimised in any new development.

“3.2.20 There are many opportunities to conserve and enhance the special and distinctive character of the AONB landscapes by managing development and supporting the conservation of distinctive landscape features such as in-field trees, hedgerows, dry stone walls and ponds.”

Policy CL3: Housing Provision

3.32 Local Plan Policy H2 states “*Within the settlements of Caton & Brookhouse..... the Council expects, via the Neighbourhood Plan process, the respective Parish Council’s to proactively and positively plan for housing growth within their communities in the context of this DPD.*”

3.33 LCC has commented that “*Caton and Brookhouse are identified as Sustainable Rural Settlements under Local Plan Policy SP2 and have been since 2004 in previous local plan policies as they have good access to a wide range of services and good connectivity to other larger settlements. In principle, they are a suitable location for future housing growth in the rural area to meet the needs of rural communities for various types of housing. They should be the focus for growth over other, less sustainable, locations within the vicinity. Growth must however be achieved in the*

context of the surrounding national landscape designation and the in context of national planning policy.”

- 3.34 To provide the strategic context to housing development in the plan area, it is recommended that the justification to the section should explain the strategic approach to development in the plan area as advised by LCC above.
- 3.35 Policy CL3 is titled ‘Housing Provision’, but actually addresses house type and tenure. Policies CL15 and CL16 address the housing allocation. It would be helpful to include a reference to these policies within the justification to Policy CL3. It would also be helpful to plan users to place all three housing policies together in the plan.
- 3.36 LCC has commented that paragraph 4.1.3 should refer to “first homes” instead of “starter homes” in view in the changed government guidance on the subject. The paragraph should also refer to LCC working with the Parish Council and housing associations and other providers.
- 3.37 The size, type and tenure of housing required should be evidenced by an up to date local housing needs study. The plan makers have sought to identify the type of housing required from the results of the surveys undertaken as part of the plan preparation. However, it is not clear whether this is sufficiently robust to be relied upon in discussions about development proposals. It is recommended that the findings of the Lune Valley CLT Housing Needs Survey 2019 which is the most recent survey for the parish should be included in the justification to replace paragraph 4.1.6.
- 3.38 Representations seek a higher level of housing growth in the plan area and that the plan should proactively and positively look for opportunities to accommodate strategic housing growth. They state that the CWLNP should not just provide for affordable and locally identified housing needs. They state that *“the Council has been keen to advocate a supply-led approach to housing delivery in their locality and look positively at available and suitable sites in their locality.”* to help support the strategic plans for housing.
- 3.39 A representation proposes a revision to the first part of the policy to include reference to *“strategic needs of the wider District as a minimum”* and to up to date housing needs evidence.
- 3.40 I have recommended modifications to explain the strategic development policy that forms the context for Policy CL3; and to refer to up to date housing needs surveys.

Recommendation 6: Revise the title of Policy CL3 to “House Type and Tenure” and revise the justification as follows:

Add the following new paragraph before paragraph 4.1.1: “Caton and Brookhouse are identified as Sustainable Rural Settlements under Local Plan Policy SP2 as they have good access to a wide range of services and good connectivity to other larger settlements. In principle, they are a suitable location for future housing growth in the rural area to meet the needs of rural

communities for various types of housing. Growth must however be achieved in the context of the surrounding national landscape designation and the within the context of national planning policy. Section 5 of the CWLNP and Policies CL15 and CL16 set out the approach to site assessment and allocate a site for the development of about 12 dwellings.”

Revise the first sentence of paragraph 4.1.3 to read “.....affordable housing and first homes.....”

Revise the last sentence of paragraph 4.1.3 to read: “***Lancaster City Council will work with the Parish Council and Housing Associations and other providers to***”

Delete paragraph 4.1.6.

Revise paragraph 4.1.7 as follows: “.....Housing Needs Survey 2019 provides...at present. ***This survey should be reviewed and updated periodically to ensure that it is kept up to date.***”

Add the following after paragraph 4.1.7:

“The Lune Valley Housing Needs Survey 2019 found that:

- ***The housing profile of the area is not in step with the predicted needs of local households. Like many rural settlements the population is predominately elderly and ageing, but with some younger and newly forming households being unable to afford the premium prices associated with villages rather than town environments.***
- ***There has been a shift in demand for market housing, as older households seek to downsize from large houses;***
- ***There is significant need for affordable housing from younger and older households, with affordable products such as First Homes and shared ownership housing being potentially affordable to local households, in addition to traditional social rented housing;***
- ***The proportion of social rented housing is smaller in the study area than the district and England as a whole, indicating a shortage; and***
- ***The level of interest in cohousing is greater than in other studies. This is likely to be due to the success of the scheme that has been established locally.”***

Policy CL4: Natural Environment

3.41 This is a wide ranging policy covering many aspects of the natural environment. LCC has commented to say that it is consistent with the Lancaster Local Plan but has suggested that it could be improved by making reference to blue infrastructure. The PC has agreed to this and proposed text to describe the blue infrastructure in the plan area and the measures that could be undertaken to improve it. I have recommended a modification to include the text in the justification.

- 3.42 The policy proposes that species surveys should be carried out before works to “traditional buildings or features” take place. It is considered that this is unclear and imprecise. The PC has provided me with a definition of traditional buildings and features which I am recommending should be included in the justification.
- 3.43 The sixth paragraph of the policy starting with “New buildings and conversions” includes examples of the types of measures to be included to support biodiversity. As such it is not policy and should be included in the justification to explain how the policy will be applied.
- 3.44 Paragraph 4.2.9 should be revised to refer to the correct legislation.
- 3.45 Paragraph 4.2.13 refers to the results of consultation on the pre-submission draft which is reported in the Consultation Statement and is unnecessary in the final plan.
- 3.46 Natural England commented on the HRA screening that reference to the Habitats Regulations should be included in Policy CL4. LCC has provided me with text to address their concerns. I have recommended a modification to include the text at the beginning of the policy and in the justification to highlight its significance.
- 3.47 Representations have been made supporting the policy.

Recommendation 7: Revise Policy CL4 as follows:

Add the following text at the beginning of Policy CL4: *“Development proposals affecting directly or indirectly an international designated site’s qualifying habitat and/or species are subject to the requirements of The Conservation of Habitats and Species Regulations 2017. In accordance with these Regulations, where a proposal has implications for internationally designated sites, the proposal will be expected to be accompanied by sufficient information to inform a suitable Habitats Regulation Assessment.”*

Revise the third sentence of the first paragraph of the policy to read: *“It will also help to create and reinforce green corridors, blue infrastructure and ecological networks....”*

Add the following text to the justification:

“The neighbourhood area’s multifunctional blue infrastructure includes a network of a major river (River Lune), ponds, wetlands, watercourses and floodplains. Development should restore and enhance water bodies, prevent deterioration, promote recovery, reduce flood risk and conserve habitats and species that depend directly on water. Where relevant, this should involve the opening up of culverts.”

Add the following definition of traditional buildings or features in the justification:

“Traditional buildings or features include farmhouses and farmsteads, barns, cart sheds, stables, animal houses and other solid walled structures like flax and cotton mills, and other rural buildings, largely dating before 1914. The term ‘traditional’ relates to the materials of which they are built (in this area often sandstone or gritstone, sometimes with timber frames) and the associated craft skills handed down from generation to generation. It excludes modern methods of construction using industrialised factory-produced concrete blocks, sheet roofing and plastic products more commonly employed since the 1950s.”

Move the following text from the sixth paragraph of the policy to the end of paragraph 4.2.7: “These should include measures such a swift bricks, hedgehog highways, bat boxes, access tiles, living roofs or walls, and special consideration for species that are dependent on the built environment.”

Revise paragraph 4.2.9 to read: “ ...as a Special Protection Area under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c) Regulations 2010 (as amended).....”.

Add the following at the end of paragraph 4.2.9: “Where a proposal has implications for internationally designated sites, the proposal will be expected to be accompanied by sufficient information to inform a suitable Habitats Regulation Assessment.”

Delete paragraph 4.2.13.

Policy CL5: Area of Separation

- 3.48 The policy designates an area of open land between the two villages of Caton and Brookhouse as an Area of Separation with the aim of maintaining a visual separation between the two settlements. LCC has commented that there is a lack of robust proportionate evidence to justify the selection of the boundaries for the area. The justification to the policy sets out the boundaries for the area and states that there has been much deliberation about them. I have asked the PC to prepare a robust background evidence report to set out the rationale for defining the area, the evidence of the process of assessing alternative boundaries and the criteria used to select the boundaries. This report was prepared during the examination and has been placed on the Council’s website. Reference to this background evidence report should be included in the justification. I am satisfied that this report provides an appropriate robust assessment to support the identification of the proposed Area of Separation.
- 3.49 NPPF paragraph 2 states that applications for planning permission should be determined in accordance with the development plan. It is recommended that the policy guidance in Policy CL5 is revised to delete reference to “will be permitted”. The policy also refers to “all future development minimising the impact on the open character of the Area of Separation”. It is considered that many developments at a

distance from the area will have no impact on it and this policy requirement is excessive. The policy should also refer to the site being shown on the Policies Map. A modification is recommended to clarify the wording of the policy to ensure that it can be applied consistently by decision makers.

- 3.50 Paragraph 4.3.14 refers to site 39 being “designated”. It would be better described as “identified”.
- 3.51 A respondent states that they are not entirely convinced of the need for the Area of Separation. They consider that Artle Beck would be a suitable boundary and the fields in the Area of Separation could be developed with housing.
- 3.52 A representation has been submitted stating that the Area of Separation is not required. If the area is to be identified the respondent seeks a revision to the south western boundary of the Area of Separation. It is proposed that the area to be excluded to the west would be suitable for housing development.
- 3.53 The proposed amendment to the boundary does not follow any natural features or field boundaries. As stated under paragraph 2.5 it is my role to consider whether the Plan as submitted meets the Basic Conditions, it is not my role to consider whether any additional land should be identified for housing development. I am satisfied that the PC has carried out a robust assessment of the boundaries of the proposed Area of Separation and has chosen to include the area proposed for housing in this representation.

Recommendation 8: Revise Policy CL5 as follows:

Revise the first paragraph to read: “....and its distinctive villages, development should not impact on the open character of the Area of Separation identified on *the Policies Map* and should not result in the further coalescence of Caton and Brookhouse.”

Delete the first sentence of paragraph 4.3.11 and replace with the following: “*The background evidence report on the assessment of the Area of Separation sets out the rationale for defining the area, the evidence of the process of assessing alternative boundaries and the criteria used to select the boundaries.*”

Revise paragraph 4.3.14 to read “....field boundary of the area identified as Site 39 in the LCC SHEELA.”

Policy CL6: Protecting Local Green Space

- 3.54 This policy proposes to designate 7 areas as Local Green Space (LGS). A Local Green Space Assessment report has assessed each area against relevant criteria based on the NPPF and the methodology used by LCC in assessing potential sites for designation under LP Policy SC2.

- 3.55 LCC has lodged an objection to the policy stating that the policy is unnecessary as all the sites are identified and protected under LP Policy SC3, and in addition Policy DM27 sets out measures to protect such sites.
- 3.56 The LCC has referred to the NPPG that asks “*What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?*” The response is that “*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*”
- 3.57 The Local Plan Adopted Strategic Policies and Land Allocations Policy Maps for Sustainable Settlements shows all seven proposed Local Green Space sites plus additional land at the school, tennis club and adjacent to the Millennium Way as identified under Policy SC3 as sites of importance for sport, recreation and leisure. It is considered that Policy DM27 provides appropriate safeguarding of these sites from development for these uses.
- 3.58 LCC states that they considered three of the proposed LGS sites (sports ground, bowling green and school grounds) in their District wide assessment and concluded that they did not meet the criteria for designation. The NPPF requires that, amongst other things, sites have to be demonstrably special to the local community to qualify for designation. I have considered the CWLNP assessment of the sites and am satisfied that the assessors have explained why the sites are demonstrably special and satisfy the other criteria set out in NPPF paragraphs 101 – 102. However as they are already identified and adequately and appropriately safeguarded under adopted planning policy, it is considered that there is no merit in designating them as LGS in addition.
- 3.59 Furthermore, five of the sites are listed and protected under Policy CL12 as existing recreational facilities. It is considered that there is no merit in designating them as LGS in addition.
- 3.60 I am therefore recommending that Policy CL6 should be deleted. As a consequence, the introductory text to section 4.3 should be revised to refer to the protection of the areas under the Local Plan Policy SC3 and DM27. It would be helpful to provide the link to the Local Plan map for Caton and/or insert it within the text. The sites should be deleted from the CWLNP Policies Map. The descriptions of the sites in paragraphs 4.3.21 – 4.3.27 may be retained in the text.

Recommendation 9: Delete Policy CL6.

Revise the heading of 4.3 to read “*Area of Separation and Open Spaces*”.

Revise the order of the introductory text as follows: paras 4.3.1, first sentence of 4.3.2, followed by 4.3.7 – 4.3.10. Delete the remaining text in the introduction to the section.

After the justification to Policy CL5 add a new section: “*Protection of Open Spaces*” and the following text:

“Local Plan Policy SC3 identifies the following areas as important for sport, recreation and leisure, as shown on Map X. They are safeguarded through Local Plan Policy DM27:

1. Becksides
2. Caton Bowling Green
3. Caton Primary School Fields
4. Fell View
5. The River Lune Millennium Park (Millennium Way) – Crook o’ Lune to end, including adjacent land.
6. Parish Woodland
7. Station Field
8. Lunesdale Lawn Tennis Club

“Local Plan Policy DM27 sets out measures to protect and safeguard the areas to retain them as open areas for enjoyment for sport, recreation and leisure. The following is a description of each area. Paragraphs 4.3.21 - 4.3.27 and add a description of the tennis club.

Delete paragraphs 4.3.28 – 4.3.32.

Delete the sites and reference to Policy CL6 from the CWLNP Policies Map.

Policy CL7 Dark Skies

- 3.61 The policy sets out matters to be taken into account in the design of development to minimise light pollution and to promote dark skies in the Forest of Bowland AONB.
- 3.62 The policy sets out a number of matters to be considered in the implementation of Policy DM29 on key design principles which includes the need to minimise light pollution.
- 3.63 The second sentence of criterion c) refers to the guidance note prepared by the Institute of Lighting Professionals. It would be helpful to users of the plan to include further information about this guidance note in the justification including a link. Criterion c) repeats the requirement to assess the need for lighting which is covered by criterion a). I am recommending a modification to ensure that this guidance is applied as part of the policy and in order to clarify the application of this criterion so that it can be used consistently by decision makers and plan users.
- 3.64 LCC has commented that they have concerns about the application and implementation of criterion d) in terms of making robust judgements, particularly on significance. They have also commented that the purpose of the final sentence of the policy is unclear. I am recommending a modification to clarify the application of criterion d) so that it can be used consistently by decision makers and plan users and the deletion of the final paragraph of the policy.

Recommendation 10: Revise Policy CL7 as follows:

Revise criterion c) to read: ***“All development with external lighting should meet or exceed Institute of Lighting Professionals guidance for the environmental zone in which the development is set to take place.”***

Revise criterion d) to read: ***“Proposals should consider whether the benefits of the lighting outweigh any harm caused. Proposals should consider the impact of external lighting on:***

- I. Biodiversity (including bats and other light sensitive species); and***
- II. Viewpoints and locations used to view dark skies.”***

Delete the final sentence of the policy on traditional buildings.

Add the following to the justification: ***“The Institute of Lighting Professionals guidance entitled “The Reduction of Obtrusive Light” can be found at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>.”***

Policy CL8: Historic Environment

- 3.65 LCC has proposed revisions to the first, second and fourth paragraphs of the policy which the PC has agreed to. I am recommending a modification to incorporate them in the text of the policy. Revisions to the first paragraph are to delete reference to the AONB as that is a designation of landscape value and not a designation relating to historic matters. Not all development proposals will affect heritage assets. Amendments to the second and fourth paragraphs help to align the text more closely with national planning policy.

Recommendation 11: Revise Policy CL8 as follows:

Revise the first paragraph of the policy to read: ***“Where development proposals may affect the significance of designated heritage assets, either directly or indirectly within their setting, they must take account of the unique heritage assets.”***

Revise the second paragraph of the policy to read: ***“Before works to heritage assets take place, an assessment of its significance should be undertaken, proportionate to the asset’s importance, to understand its architectural and historic interest and to assess the nature and scale of impact on its significance.”***

Revise the fourth paragraph of the policy to read: ***“Development proposals will not be supported where they cause unjustified harm to the significance of heritage assets and historic landscape character, including cumulative impacts, that lack clear public benefit.”***

Policy CL9: Design

- 3.66 The design policy adds to those in the Development Management DPD. LCC has commented that they have concerns about criterion e) and have proposed a revision to strengthen it, which the PC has agreed to.
- 3.67 The justification includes views expressed at the consultation to provide context for the policy content. This is not evidence to justify the design considerations and should be included in the Consultation Statement.
- 3.68 United Utilities has proposed the inclusion of a new policy concerning the location of new development near to water and wastewater treatment infrastructure to ensure that the amenity of neighbouring uses is not affected. The PC has suggested that this should be included in Policy CL9. I am satisfied that Local Plan Policy DM29 includes adequate safeguards on pollution to address the concerns of United Utilities. No modification is proposed in this respect other than adding a reference to Policy DM29.
- 3.69 Representations have been made supporting the policy. However, they state that *“given the AONB status of the Neighbourhood Plan area, it must go further to recognise how good design and landscaping can help to mitigate against landscape impacts.”*
- 3.70 I am satisfied that the policies of the plan as modified seek to ensure that development proposals accord with national and strategic policies to respect and enhance the landscape features.

Recommendation 12: Revise Policy CL9 as follows:

Revise criterion e) to read: “*Must not use existing development that is poor quality or harmfulfor further poor quality or harmful development.*”

Add the following at the end of paragraph 4.6.1: “*This policy should be read in conjunction with Local Plan policies in particular Policy DM29.*”

Delete paragraphs 4.6.9 - 4.6.10.

Policy CL10 Economic Development

- 3.71 The policy builds on Local Plan Policy DM15 and supports the development of small scale employment opportunities by setting out locally important considerations.
- 3.72 LCC has commented that signage is subject to a separate consenting regime and can't be included within a planning application. They have suggested revisions to this wording of this criterion which the PC has agreed to.

Recommendation 13: Revise Policy CL10 as follows:

Revise criterion e) to read: “*Business signage should be of an appropriate design and scale which is in keeping with its wider setting.*”

Policy CL11 Maintaining the Vitality of Local Shopping/ Business Areas

- 3.73 The centre of Caton is identified as a Rural Local Centre under Local Plan Policy TC1; guidance on development in Local Centres is set out in Policy DM18. The area contains a shop, café, pubs, petrol station and community facilities around the junction of the A683 and Brookhouse Road. Brookhouse contains three commercial premises on Sycamore Road. Willow Mill is identified as a Rural Employment Site under Local Plan Policy EC1. Willow Mill is a converted Grade II listed stone mill which is divided into office space for 16 business units. There are a number of community buildings which provide services to the community located throughout the two settlements.
- 3.74 The first paragraph of the policy includes reference to Willow Mill but then lists criteria to be applied to the local shopping area. It is suggested that the wording should be revised to refer to “local shopping and employment areas” so as to apply to the business centre as well as the local shopping centre. It would be helpful to plan users to include a reference in the justification to the relevant Local Plan policies.
- 3.75 Paragraphs 4.7.9 – 4.7.17 and 4.7.20 set out comments received during the consultations on the CWLNP to provide context for the policy content. This is not considered to be robust evidence of local business need and should be included in the Consultation Statement.

Recommendation 14: Revise Policy CL11 as follows:

Revise the first paragraph of the policy to read: “.....vitality and viability of local shopping *and employment areas* ...”

Add the following paragraphs before paragraph 4.7.6 as follows: “*The centre of Caton is identified as a Rural Local Centre under Local Plan Policy TC1; guidance on development in Local Centres is set out in Policy DM18. The area contains a shop, café, pubs, petrol station and community facilities around the junction of the A683 and Brookhouse Road. Brookhouse contains three premises on Sycamore Road. Willow Mill is identified as a Rural Employment Site under Local Plan Policy EC1. Willow Mill is a converted Grade II listed stone mill which is divided into office space for 16 business units.*”

“*There are a number of community buildings which provide services to the community located throughout the two settlements. Policy DM56 sets out the approach to be taken in considering proposals for new local services and community facilities and evidence to be provided for proposals that would result in their loss.*”

Delete paragraphs 4.7.9 – 4.7.17 and 4.7.20.

Policy CL12 Community and Recreational Facilities

- 3.76 The policy lists existing community and recreational facilities which are to be protected in accordance with Policy DM56. This list of open spaces differs from that set out in Local Plan Policy SC3 as it omits the sites at Beckside and the Parish Woodland and includes the Memorial Gardens. The PC has agreed that the sites in the CWLNP should be consistent with those designated and protected in the Local Plan.
- 3.77 The list refers to places of worship and church halls in general terms. To improve the clarity of the policy and to ensure that it is applied consistently by decision makers, it is recommended that they are named and the boundaries of the properties are shown on the Policies Map. The PC has provided me with a list of the buildings which I have recommended for inclusion in the policy.
- 3.78 The first paragraph of the policy is truncated and the PC has agreed that it should be deleted. Paragraph 4.8.10 refers to the results of the consultations and refers to the enhancement of facilities. This has not been included in the policy and the PC has agreed that it should be deleted.

Recommendation 15: Revise Policy CL12 as follows:

Delete the first paragraph of the policy.

Revise the second paragraph to read: “...are protected in accordance with Policies SC3 and DM56 of the Development Management DPD:

Delete Memorial Gardens, Places of Worship and Church Halls from the list.

Add the following to the list:

- **“Beckside,**
- **Parish Woodland,**
- **Catholic Church, Station Yard**
- **Brookhouse Community Church, Victoria Institute**
- **Caton Methodist Church, Artlebeck Bridge**
- **Caton Baptist Church, Brookhouse Road.**
- **Lune Valley Methodist Hub, Brookhouse Road**
- **St Paul’s Church of England, New Street Brookhouse**
- **Church Hall in the curtilage of St Pauls C of E Church.”**

Show the sites and boundaries of the properties on the Policies Map.

Delete paragraph 4.8.10.

Supporting Infrastructure for New Development

Parish Aspiration 1 – Supporting Infrastructure for New Development

- 3.79 This section of the Plan sets out the Parish Council's aspirations for the use of developer contributions towards the provision or improvement of infrastructure and their priorities for improvements to various forms of travel.
- 3.80 The NPPG sets out guidance on whether a neighbourhood plan should consider infrastructure. Amongst other things it states that the plan should consider:
- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way; and
 - how any additional infrastructure requirements might be delivered.
- 3.81 As the CWLNP allocates only a small area for development, it is unlikely to give rise to any significant requirements for new or improved infrastructure. It will also give rise to limited developer contributions. The justification details a list of infrastructure needs identified in the Local Plan and it is not clear whether any of these are specific to the plan area. There is no evidence about how any of these infrastructure improvements are to be delivered.
- 3.82 Nevertheless, as this section is set out as a Parish Aspiration it is clearly not to be delivered through the CWLNP itself and stands as the Parish Council's priorities for any future discussions with relevant bodies in supporting investment in transport and other infrastructure in the plan area. It is aspirational and covers matters that cannot be addressed in the policies of Neighbourhood Plan. It would be helpful to plan users to amend paragraph 4.9.2 to make it clear that this section does not form part of the Neighbourhood Development Plan.

Recommendation 16: Revise paragraph 4.9.2 to read: “....developer contributions, the Parish Council will work with relevant bodies to seek to ensure that new development....Special Qualities. This Parish Aspiration does not form part of the planning policies of the neighbourhood development plan.”

Policy CL13 Managing flood risk and water quality.

- 3.83 Local Plan Policy DM33 sets out the approach to managing development and flood risk; Policy DM34 addresses surface water run-off and sustainable drainage. Policy CL13 sets out a number of more detailed design considerations relevant to the rural area.
- 3.84 LCC has commented that the first paragraph of the policy is unclear. They have suggested a revision which the PC has agreed to. LCC has also commented on paragraph 4.10.4 that neither the policy nor the background has provided the detail referred to. The PC has agreed that the paragraph should be deleted.

3.85 United Utilities has proposed additional text to prioritise multi-functional sustainable drainage systems over traditional underground piped and tanked storage systems. They have also suggested additional text to highlight the implications of development on public water supply catchment land. The PC has agreed to the additional text. I am recommending that it should be included to improve the clarity of the policy.

3.86 Representations have been made supporting the policy.

Recommendation 17: Revise Policy CL13 as follows:

Revise the first paragraph of the policy to read: “New development should be designed to ensure that runoff rates and volumes achieve greenfield rates or below. All development proposals will be expected to apply the hierarchy for the management of surface water and sustainable drainage systems (SuDS) should be implemented unless there is clear evidence that this would be inappropriate. SuDs must be considered early in the design process and must be integrated with other aspects of a site design. New development proposals will be expected to incorporate site drainage as part of a high-quality landscaped environment. Applicants will be expected to manage surface water through sustainable drainage features with multi-functional benefits in preference to a reliance on underground conventional piped and tanked storage systems. Any sustainable drainage system should be designed in accordance with ‘Ciria C753 The SuDS Manual’ or any subsequent replacement guidance.”

Add the following new paragraph to the policy: “Development proposals on land used for public water supply catchment purposes will be required to consult with the relevant water undertaker. The first preference will be for proposals to be located away from land used for public water supply purposes. Where proposals are proposed on catchment land used for public water supply, careful consideration should be given to the location of the proposed development and a risk assessment of the impact on public water supply may be required with the identification and implementation of any required mitigation measures / management regimes.”

Delete paragraph 4.10.4.

Policy CL14 Energy and Communications

3.87 LCC has commented that criterion b) should make reference to the effect of the development on the “significance” of heritage assets to be consistent with national planning policy. The PC has agreed to this revision.

3.88 United Utilities has proposed additional text to criterion b) to refer to catchment land used for public water supply purposes. The PC has agreed to this revision.

3.89 LCC has commented that the final paragraph of the policy referring to up to date evidence is unclear. The policy does not explain whether this is to be evidence

provided by the applicants or other evidence that may be collected for other purposes. The PC has agreed that the first sentence of the last paragraph should be deleted.

3.90 The second sentence of the final paragraph referring to definitions is an explanation of the source of definitions and should be placed in the justification.

3.91 There is a typographical error in paragraph 4.11.5.

Recommendation 18: Revise Policy CL14 as follows:

Revise criterion b) to read: “they do not have an *unacceptable adverse impact on the significance* of heritage assets and their settings, historic character, biodiversity, geodiversity assets, or *catchment land used for public water supply purposes*;

Delete the first sentence of the final paragraph of the policy commencing “Up to date evidence...”

Move the second sentence of the final paragraph of the policy to the justification.

Correct paragraph 4.11.5 to read: “Policy CL14”.

Policy CL15 Housing Allocations

Policy CL16 (Site 98) – Land west of Quernmore Road.

3.92 The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. In response to my question about the housing requirement, LCC has stated that “*the Parish Council have not requested, nor the LPA provided, an indicative figure for the numbers of housing which would be considered acceptable or appropriate within the plan area. The use of an arbitrary figure which would be used as a benchmark by all parties was not considered appropriate and was well explored during the Examination of the District-wide Local Plan.*”

3.93 Furthermore, LCC states that “*The Council has been keen for the neighbourhood plan itself, through robust site assessment and proactive consideration, to identify all sites which are concluded to be suitable, achievable and deliverable to ensure that opportunities are maximised within the plan area. The LPA notes the balances which are required in terms of maximising such housing opportunities in the context of a nationally designated landscape.*”

3.94 As stated under Policy CL3, Caton and Brookhouse are considered by LCC to be suitable locations for future growth in the rural area and a focus for growth over other, less sustainable, locations within the vicinity. Whilst growth is supported in this area, LCC recognises that growth must be achieved in the context of the surrounding

national landscape designation of the AONB and in the context of national planning policy.

- 3.95 The CWLNP has adopted a landscape capacity approach that is one that seeks to identify land suitable for housing development within an assessment of the potential of the landscape to accommodate development, including any mitigation needed. The principle behind this approach is that it is a supply led approach to determining the amount of housing development that can be accommodated within the landscape, rather than the CWLNP having to find sufficient sites to deliver a housing requirement set by LCC.
- 3.96 The landscape capacity led approach to development is considered to be consistent with national policy and that adopted in other plans in the Forest of Bowland AONB. A Cumulative Landscape and Visual Impact Assessment was undertaken by independent consultants which included an assessment of 4 potential sites (Site 39, Site 98, Site 99 and Site 100). As a result of this assessment, the CWLNP includes one allocation for 12 houses.
- 3.97 NPPG states that *“Proportionate, robust evidence should 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 draft neighbourhood plan”*
- 3.98 LCC is satisfied that the PC has robustly assessed all known development opportunities within the plan area and come to a conclusion on their suitability, achievability and deliverability for future development. LCC has raised no issues in relation to the scope of sites which have formed part of the assessment process and have stated that they have no reason to doubt the conclusions reached by the PC in terms of the suitability of sites.
- 3.99 The PC has responded to say that *“This policy is driven by the need to avoid encroachment on the surrounding countryside; to conserve the setting of the villages and hamlets in the landscape; to minimise harmful visual impact of development on the Forest of Bowland AONB and the Brookhouse Conservation Area. Caton with Littledale Parish Council is mindful of overall housing need identified at District level but this must be balanced against the potential harm to the Forest of Bowland AONB and notes that a similar landscape-capacity led approach has been proposed in the Arnside & Silverdale AONB DPD.”*
- 3.100 It is considered that it would be helpful to plan users to make reference to the statement recommended to be added to the justification to Policy CL3 to set out the strategic policy position and the need to balance this with safeguarding the AONB through a landscape capacity led approach to housing allocation and windfall development.
- 3.101 Lancashire County Council has commented on the possible impact of the proposed housing allocation and housing commitments at 2021 (of 108 dwellings) on school places.

- 3.102 The Plan includes one site allocation of land to the west of Quernmore Road for an estimated number of 12 dwellings. Policy CL16 sets out policy guidance for the development of the site.
- 3.103 In the Site Assessment Report, the plan makers have assessed eight sites (sites 38, 39, 40, 89, 92, 98, 99 and 100) taking account of the 2015 SHLAA assessment and the 2018 SHELAA assessment prepared by LCC. In addition, the following studies have informed the assessment:
- Cumulative Landscape and Visual Impact Assessment (by Motmot Consulting)
 - Ecology Assessments (by GMEU)
 - Access and Highway Safety (by Lancashire County Council)
- 3.104 The plan makers have relied on the assessments of sites submitted to LCC in their Call for Sites for the Local Plan. They have had discussions with landowners and their agents to seek to understand the potential proposals for each site. They have carried out further assessments on landscape and visual impact assessment, ecology and highway safety to provide further information about the sites.
- 3.105 I am satisfied that the plan makers have made reasonable efforts to identify and assess the impact of development on the sites and have selected those that best meet the selection criteria in accordance with the guidance in the NPPG: *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.”*
- 3.106 The assessment concluded that two sites were considered suitable for allocation in the CWLNP. The assessment considered a larger parcel of land (site 98) and concluded that the evidence suggested that the site to the west of Quernmore Road is capable of accommodating some development subject to the landscape impacts on the AONB. This conclusion has resulted in part of the site being proposed for allocation in the Plan. The other preferred site was site 89 at Mill Lane, which together with site 38, now has the benefit of planning permission.
- 3.107 A representation has been received from the landowner of the proposed allocation asserting that the proposed allocation is not financially viable in the current proposed form and policy terms. They are seeking the enlargement of the site to include adjacent land in their ownership up to 3.5 hectares to provide an estimated number of 50 dwellings.
- 3.108 I am not in a position to consider the claims made by the landowner concerning viability. The land value will need to take account of the policy requirements and any significant abnormal costs. The profit should also reflect the scale and type of development.
- 3.109 United Utilities has commented that this site includes significant existing water infrastructure that passes through and adjacent to the defined allocation boundary. They reiterated that all of their assets will need to be afforded due regard and applicants should be aware that serious complications could arise. It is essential that

United Utilities is involved in early dialogue on the potential masterplanning and mitigation measures for the development of the site, in a bid to highlight any matters that may have a significant impact upon the site layout, access, and landscaping. Their water infrastructure will need to be afforded appropriate offset distances to allow for access, maintenance and repair. Any changes in levels, proposed crossing points (including the details for newly proposed services) and any mitigating measures required to protect their assets will need to be agreed with United Utilities in writing. They have proposed an additional criterion and text for the justification to improve the clarity of the policy in this respect. The PC has agreed with these revisions and I am recommending a modification to include them for improved clarity. I have viewed the map of United Utilities Infrastructure and consider that the location on the infrastructure as shown would mean that the site would be developable although the developable area may be reduced.

- 3.110 United Utilities has also proposed additional text to reflect the principles of SuDS as proposed to be modified under Policy CL13. It is considered that this is adequately addressed in the modification to Policy CL13 and it would be sufficient to make a cross reference to that policy.
- 3.111 United Utilities has proposed the inclusion of a new policy on water efficiency requiring as a minimum the optional requirement set out in the Building Regulations. The Written Ministerial Statement of 2015 makes it clear that where there is evidence, these can be applied through a policy in Local Plans and that *“Neighbourhood plans should not be used to apply the new national technical standards.”* No modification is proposed in this respect.
- 3.112 Representations have been made disputing the assessments, asserting that the single allocation for 12 dwellings is not sufficient to address longer term housing needs and seeking the allocation of additional areas of land for housing in the Plan at:
- a. Land to the southwest of Brookhouse Road near Artle Beck (no details supplied)
 - b. Land to south and west of Caton Primary School (site 100, 4.2 ha, approx. 90 dwellings)
 - c. Land off Hawthorn Close (site 39, 2.18 ha, 25 adaptable bungalows)
 - d. Land west of Quernmore Road (a larger area than that allocated of 3.5 ha, approx. 50 dwellings)
- 3.113 As noted in paragraphs 2.5 – 2.6 above, my role as examiner is limited to considering whether the Plan meets the Basic Conditions; it does not extend to considering whether other areas of land should be allocated in addition to or instead of the proposed housing allocation. I make no comments on these proposed additional housing sites.
- 3.114 I am satisfied that the landowners / developers who have made representations have had the opportunity to present their proposals for consideration during the preparation of the plan.

- 3.115 The title of Policy CL15 should be revised to “Housing Allocation” as only one site is proposed.
- 3.116 The Site Description included in Policy CL16 is descriptive and not planning policy and should be placed in paragraph 5.2.3.
- 3.117 LCC has commented that without details of the design and layout of the site, reference to the housing number is too prescriptive. They have suggested that it should be revised to “in the region of 12 dwellings”. They also suggest that Policy CL16 criterion b) should be revised to improve its clarity. The PC has agreed with these comments. They have suggested that the policy should include clarification of how access to the site is to be achieved in criterion d). The PC has commented that there are two alternative options available and it would be for the developer to determine the most suitable.
- 3.118 NPPF paragraph 2 states that applications for planning permission should be determined in accordance with the development plan. It is recommended that the policy guidance in Policy CL16 is revised to refer to delete reference to “will be permitted”.
- 3.119 The existing development on the east side of Quernmore Road is mainly late 20th century two storey housing with some bungalows set back from the road behind a stone wall. In response to my question, the PC has stated that they consider single storey housing as required under criterion a) would be more appropriate in the context of the landscape.
- 3.120 The site is bounded on the roadside partly by a high stone wall and partly by a hedge. It is unclear whether there is likely to be any conflict between criterion h) which requires the retention of the traditional boundary hedge and stone boundary wall and the provision of appropriate access arrangements which will require visibility splays. A modification is recommended to remove the prescription to ensure that provision can be made for the new access requirements.
- 3.121 Paragraph 5.2.1 refers to indicative plans for the site. The PC has confirmed that these have not been prepared and have requested that reference to them should be deleted.
- 3.122 Section 6 of the plan sets out the housing commitments in the plan area at 23 March 2021. This shows that planning permission has been granted for 108 dwellings in the plan area during the Local Plan period which commenced in 2011. These figures should be updated in the final plan.

Recommendation 19: Revise Policy CL15 as follows:

Revise the title of Policy CL15 to “Housing Allocation”

Revise the Estimated number of Dwellings to “*in the region of 12*”.

Recommendation 20: Revise Policy CL16 as follows:

Move the Amount of Development and Site Description from the policy to the beginning of paragraph 5.2.3. Revise the Amount of Development to “*in the region of 12 dwellings*”.

Revise the first paragraph of Policy Guidance to read “allocated for development of *in the region of 12 dwellings*. Detailed proposals *should* meet the following site specific development requirements.”

Revise criterion b) to read “*Development proposals must ensure that development accords with Policy CL13 in relation to flood risk, sustainable drainage and water quality. In the event that infiltration is not practicable, surface water shall discharge to Escow Beck to the west.*”

Revise criterion h) to read “*....wall should be retained.....features and reduced in height or set back to make provision for the new access arrangements.*”

Add a new criterion: “*(j) The site is located on water catchment land used for public water supply purposes. Development proposals will need to demonstrate that the impact on public water supply is managed and mitigated in liaison with United Utilities.*”

Add a new criterion: “*(k) The site includes significant water supply infrastructure, which will need to be fully considered in the masterplanning / design process and during any construction. Access to such assets will need to be maintained and protective measures will need to be included to ensure any assets are fully protected both during construction and during the lifetime of the development.*”

Delete the 3rd, 4th and 5th sentences from paragraph 5.2.1 “The mini brief is accompanied by....meet policy requirements.”

Add the following after paragraph 5.2.3: “*Several water mains have been identified as being either within or in close to proximity to the site. United Utilities will not allow building over or building in close proximity to the water mains. They must be protected both during and after construction and 24 hour access to them must be maintained in accordance with the requirements of United Utilities. The applicant will need to demonstrate the exact relationship between the assets, other utility services and their proposed development. They will need to confirm the precise location of the apparatus as this could significantly impact the preferred site layout and/or a diversion of the asset(s) or protection measures may be required. Any diversion may be cost prohibitive and applicants should not assume that the infrastructure can be diverted. The applicant should be aware that the proposed layout must accommodate United Utilities’ assets which will impact on the developable area and the number of units that can be delivered at this site. United Utilities will require a 10m easement for each water pipeline within and near to the site. The level of ground cover to the pipelines must not be compromised either during or after construction and there should be no additional load placed on the pipelines without prior agreement from United Utilities. This would include*

earth movement, ground re-profiling, materials storage, site welfare cabins and the transport and positioning of construction equipment and vehicles.”

4.0 Referendum

- 4.1 The Caton with Littledale Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Lancaster City Council that the Caton with Littledale Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Lancaster City Council on 2 July 2015.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Caton with Littledale Neighbourhood Plan 2021-2031 Submission Draft Version with Parish Policies Map and Village Policies Map
- Caton with Littledale Neighbourhood Plan Basic Conditions Statement September 2021
- Caton with Littledale Neighbourhood Plan Consultation Statement September 2021
- Caton with Littledale Neighbourhood Plan SEA Screening Opinion on Submission Draft Plan, undated
- Caton with Littledale Neighbourhood Plan HRA Report undated.
- Lune Valley Housing Needs Survey 2019 - Parishes of Halton with Aughton, and Caton, Slyne, Quernmore and Skerton Housing Needs Survey for the Lune Valley Community Land Trust Final Report November 2019.
- Caton with Littledale Neighbourhood Plan – Area of Separation Assessment Report June 2022
- Caton with Littledale Neighbourhood Plan Site Assessment Report, undated.
- Caton with Littledale Neighbourhood Plan Local Greenspace Site Assessment report, undated.
- Caton with Littledale Neighbourhood Plan Cumulative Landscape and Visual Impact Assessment
- National Planning Policy Framework July 2021
- Planning Practice Guidance (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- A Local Plan for Lancaster District 2011-2031
 - Part One: Strategic Policies and Land Allocations DPD, adopted July 2020
 - Part Two: Review of the Development Management DPD, adopted July 2020
- Arnsdale & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD), adopted March 2019
- Institution of Lighting Professionals Guidance on Dark Skies: CIE EN 2001

6.0 Summary of Recommendations

Recommendation 1: Check and update any references to and quotations from NPPF of February 2019 to those of July 2021.

Recommendation 2:

Update the background evidence to include the SEA and HRA Screening Opinions of September 2021. Ensure that the Basic Condition Report is consistent with and refers to the updated screening opinions of September 2021. Include the latest responses from the statutory environmental bodies to the consultation on the Screening Opinions.

Add the following new section 7 to the Plan on Implementation and Monitoring:

“7. IMPLEMENTATION AND MONITORING

“7.1 The Neighbourhood Plan will be delivered and implemented over the period to 2031. Different stakeholders and partners will be involved. Flexibility will be needed as new challenges and opportunities arise over the plan period. In this respect, implementation, monitoring and review will be crucial.

“7.2 Caton with Littledale Parish Council will be the responsible body to manage and oversee the implementation of the Neighbourhood Plan.

“Key Activities

“7.3 There will be three key strands of activity which will direct delivery and each is important in shaping the plan area in the months and years ahead. These comprise:

IV The statutory planning process will direct and control private developer and investor interest in the Parish in the context of the Neighbourhood Plan, Lancaster City Council Local Plan and the National Planning Policy Framework. The Parish Council (in its role as statutory consultee to planning applications) and Lancaster City Council as the Local Planning Authority will use the Neighbourhood Plan to assess the appropriateness and suitability of applications. This assessment will help inform the Parish Council’s response to the application (e.g. written representations in support of, or in objection to the proposals) and will inform the Local Planning Authority’s final decision. In summary, planning applications that are broadly in accordance with both the Lancaster City Local Plan, and with the Neighbourhood Plan should be supported while those that are not should be refused.

V Investment in, and management of, public services, assets and other measures to improve local services and vitality and viability for the Parish. In the context of the prevailing economic climate and public funding there is a recognition that public investment in the Parish will be challenging to secure. The Community Infrastructure Levy (CIL), if introduced by

Lancaster City Council, could contribute a small amount through new development. In the meantime, Section 106 of the Town and Country Planning Act 1990 allows for agreements between developers and Lancaster City Council, with financial contributions towards necessary services and infrastructure improvements. Such contributions resulting from developments within the Neighbourhood Plan designated area should be allocated towards improvement or addition of local services and /or the securing of environmental benefits for Caton with Littledale Parish residents and community.

VI The voluntary and community sector will have a strong role to play particularly in terms of local community infrastructure, events and Parish life. This sector is likely to play an important role in the future, and includes, but is not limited to, Victoria Institute and include other key community and voluntary groups

“Key Areas of Action

“7.4 The key areas of action summarises the Parish Council’s approach to delivery and implementation of the Neighbourhood Plan:

“Housing Development

“7.5 The Parish Council will work with local landowners, developers and Lancaster City Council to ensure that sustainable growth in new housing over the plan period is delivered to meet identified local needs in the Neighbourhood Plan area.

“Rural Economy

“7.6 The Parish Council will encourage businesses to improve local employment opportunities for local people and work with landowners and stakeholders to bring brownfield sites forward for redevelopment or conversion into economic use.

“Natural Environment

“7.7 The Parish Council will work with Lancaster City Council, The Forest of Bowland AONB Unit, Lancashire County Council and other statutory bodies and agencies together with landowners and stakeholders to ensure the natural environment is protected from inappropriate development.

“Monitoring and Review

“7.8 The Caton with Littledale Neighbourhood Development Plan is a ‘living’ document and as such will become an integral component of the stewardship of the Parish Council.

a) The Parish Council meeting will include a regular agenda item to monitor and action activities to progress the implementation of the Neighbourhood Development Plan. A regular agenda item will also be

included to monitor the use of policies within the plan by the City Council when determining applications in the parish.

- b) *The Parish Annual Meeting will report on annual progress achieved, and set out the programme aims and key activities for the subsequent year ahead integrating this within its own forward planning processes.***
- c) *The Parish Council will monitor the progress of implementing the Neighbourhood Development Plan every 3 years. The focus of the monitoring will be to ensure that the policies made are effectively contributing to the realisation of the vision and objectives set out in the Neighbourhood Development Plan. Any resulting proposals to correct and improve policies to meet the vision and objectives will require to be undertaken through a review of the Neighbourhood Development Plan in full collaboration with Lancaster City Council. Evidence will also be reviewed and updated as required.***

Recommendation 3:

Revise the second sentence of paragraph 1.6.1 to read: ***“This will be detailed in the Consultation Statement which can be read in conjunction with this Plan.”***

Recommendation 4: Revise Policy CL1 as follows:

Delete “will be treated as exceptional” from Section 3 on Developments on the edge of and outside Sustainable Settlements.

Delete the section on Major Development and add the following text in the justification: after paragraph 3.1.4.

“Proposals for major development in Caton-with-Littledale Parish will be considered against the guidance in the NPPF and the additional local guidance:

“Whether a proposal is ‘Major Development’ is a matter for the decision-maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined and taking into account CWLNP Policy CL2 Landscape and other relevant planning policies.

“In determining whether exceptional circumstances exist, Lancaster City Council will assess the proposal using the criteria set out in the NPPF paragraph 177 (or as revised).

“The nature of the AONB landscape means that even some smaller-scale proposals may be considered to be major developments depending on the local context.”

Delete the section on Brownfield Land. Include the following explanatory text in the justification after the section on Major Development to provide general guidance on how development on brownfield sites should be considered:

“Whilst the Plan seeks to promote the role of brownfield sites for new development, proposals on such sites should be assessed against whether they help to deliver the primary purposes of the designation of the area as AONB.

“In determining planning applications, the Local Planning Authority will seek to carefully assess the ambitions of securing the long-term and productive re-use of brownfield sites against the importance of protecting this nationally important landscape. In doing this, careful consideration will be given to wider policy ambitions within the Lancaster District Local Plan, specifically Policy DM46 which relates to development and landscape impact.”

Add the following to paragraph 3.1.10: *“Local Plan Policy SP2 sets out the settlement hierarchy and the strategic approach to development in sustainable rural settlements in the AONB and other rural villages. An allocation for “in the region of 12 dwellings” is included in the CWLNP under Policy CL15.”*

“In determining the suitability of any development site in relation to the settlements of Caton and Brookhouse, a planning judgement will have to be applied as to how well the site relates to the built form of the settlement.

Revise paragraph 3.1.11 to read: “.....will be made. Residential development proposals should demonstrate that they contribute towards meeting a proven housing need in the parish and surrounding area through an up to date housing needs survey. They should be in accordance with Local Plan Policy SP2 and contribute to the delivery of the housing requirement set out in Local Plan Policy SP6. They should also include a landscape assessment..... or mitigated.”

Recommendation 5: Revise Policy CL2 as follows:

Delete the section Local Evidence and paragraphs 3.2.13 – 3.2.18.

Add the following text to explain the implementation of the policy to the justification:

“3.2.13 *The character of the landscape in the Neighbourhood Plan area is a highly valued asset. The wooded valleys and field patterns stretching out to open moorland are defining features, in addition to the valley floodplain. It is the unique combination of elements and features (characteristics) in this area that makes the landscape so distinctive and resulting in a strong sense of place. The AONB is part of the cultural and natural heritage of the nation and if these characteristics are damaged, for example by insensitive development, then that will compromise the primary purpose of the AONB and the enjoyment of the area by the public.*

- “3.2.14 In order to best serve the primary purpose of AONB designation, new development must relate to the established character of the area (as described in the Forest of Bowland Landscape Character Assessment) in which it is to be located. It must integrate with its setting and be in keeping with neighbouring buildings and the landscape by appropriate siting, nature, scale, proportion, massing, design, materials and landscaping. It must respect the prevailing proportion of buildings to gardens and green space.**
- “3.2.15 New development can make a positive contribution to the landscape but can also harm it in a number of ways. For example, new features that are uncharacteristic of the landscape may be introduced that detract from the local vernacular building style, intrude into skylines or obstruct or erode important views. Important landscape features such as hedges, drystone walls and mature trees may be damaged or removed. Over time, development can lead to the gradual erosion of local distinctiveness and in a protected landscape of such unique character; this sort of cumulative loss and harm must be avoided in order to serve the primary purpose of AONB designation.**
- “3.2.16 Development proposals within the AONB or affecting its setting will have to demonstrate clearly that they are appropriate to the landscape character type and designation, taking into account the wealth of landscape character evidence and guidance available. Lancaster City Council may require the submission of a Landscape and Visual Impact Assessment (LVIA) undertaken to recognised Landscape Institute standards, and will also expect proposals to have regard to the content of the AONB Management Plan.**
- “3.2.17 When considering the cumulative and incremental impacts of development, developers and decision makers should ask themselves: ‘Can the impacts of this development proposal (in the context set out in the policy) on the landscape character and visual amenity be mitigated?’ If yes, proceed with considering proposal in principle, subject to all other considerations. If no, refuse permission.**
- “3.2.18 The sense of tranquillity is a special quality of the AONB but is gradually being eroded by increases in noise, activity, traffic and disturbance. The scale and type of new development and level of activity along with journeys to and from a site will affect tranquillity and will be a factor in determining whether or not a proposed development can proceed.**
- “3.2.19 All light pollution, however small, contributes to the general erosion of darkness in the AONB. The spilling of light beyond a site boundary and into the surrounding countryside can be disturbing to wildlife and have an intrusive visual impact. Light pollution contributes generally to the urbanisation of the rural landscape and the loss of darkness in our night skies and should be minimised in any new development.**
- “3.2.20 There are many opportunities to conserve and enhance the special and distinctive character of the AONB landscapes by managing development and**

supporting the conservation of distinctive landscape features such as in-field trees, hedgerows, dry stone walls and ponds.”

Recommendation 6: Revise the title of Policy CL3 to “House Type and Tenure” and revise the justification as follows:

Add the following new paragraph before paragraph 4.1.1: “Caton and Brookhouse are identified as Sustainable Rural Settlements under Local Plan Policy SP2 as they have good access to a wide range of services and good connectivity to other larger settlements. In principle, they are a suitable location for future housing growth in the rural area to meet the needs of rural communities for various types of housing. Growth must however be achieved in the context of the surrounding national landscape designation and the within the context of national planning policy. Section 5 of the CWLNP and Policies CL15 and CL16 set out the approach to site assessment and allocate a site for the development of about 12 dwellings.”

Revise the first sentence of paragraph 4.1.3 to read “.....affordable housing and first homes.....”

Revise the last sentence of paragraph 4.1.3 to read: “Lancaster City Council will work with the Parish Council and Housing Associations and other providers to

Delete paragraph 4.1.6.

Revise paragraph 4.1.7 as follows: “....Housing Needs Survey 2019 provides...at present. *This survey should be reviewed and updated periodically to ensure that it is kept up to date.*”

Add the following after paragraph 4.1.7:

“The Lune Valley Housing Needs Survey 2019 found that:

- *The housing profile of the area is not in step with the predicted needs of local households. Like many rural settlements the population is predominately elderly and ageing, but with some younger and newly forming households being unable to afford the premium prices associated with villages rather than town environments.***
- *There has been a shift in demand for market housing, as older households seek to downsize from large houses;***
- *There is significant need for affordable housing from younger and older households, with affordable products such as First Homes and shared ownership housing being potentially affordable to local households, in addition to traditional social rented housing;***
- *The proportion of social rented housing is smaller in the study area than the district and England as a whole, indicating a shortage; and***

- *The level of interest in cohousing is greater than in other studies. This is likely to be due to the success of the scheme that has been established locally.*

Recommendation 7: Revise Policy CL4 as follows:

Add the following text at the beginning of Policy CL4: “Development proposals affecting directly or indirectly an international designated site’s qualifying habitat and/or species are subject to the requirements of The Conservation of Habitats and Species Regulations 2017. In accordance with these Regulations, where a proposal has implications for internationally designated sites, the proposal will be expected to be accompanied by sufficient information to inform a suitable Habitats Regulation Assessment.”

Revise the third sentence of the first paragraph of the policy to read: “It will also help to create and reinforce green corridors, *blue infrastructure* and ecological networks....”

Add the following text to the justification:

“The neighbourhood area’s multifunctional blue infrastructure includes a network of a major river (River Lune), ponds, wetlands, watercourses and floodplains. Development should restore and enhance water bodies, prevent deterioration, promote recovery, reduce flood risk and conserve habitats and species that depend directly on water. Where relevant, this should involve the opening up of culverts.”

Add the following definition of traditional buildings or features in the justification:

“Traditional buildings or features include farmhouses and farmsteads, barns, cart sheds, stables, animal houses and other solid walled structures like flax and cotton mills, and other rural buildings, largely dating before 1914. The term ‘traditional’ relates to the materials of which they are built (in this area often sandstone or gritstone, sometimes with timber frames) and the associated craft skills handed down from generation to generation. It excludes modern methods of construction using industrialised factory-produced concrete blocks, sheet roofing and plastic products more commonly employed since the 1950s.”

Move the following text from the sixth paragraph of the policy to the end of paragraph 4.2.7: “These should include measures such as swift bricks, hedgehog highways, bat boxes, access tiles, living roofs or walls, and special consideration for species that are dependent on the built environment.”

Revise paragraph 4.2.9 to read: “as a Special Protection Area under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c) Regulations 2010 (as amended).....”.

Add the following at the end of paragraph 4.2.9: “Where a proposal has implications for internationally designated sites, the proposal will be expected to be accompanied by sufficient information to inform a suitable Habitats Regulation Assessment.”

Delete paragraph 4.2.13.

Recommendation 8: Revise Policy CL5 as follows:

Revise the first paragraph to read: “....and its distinctive villages, development should not impact on the open character of the Area of Separation identified on the Policies Map and should not result in the further coalescence of Caton and Brookhouse.”

Delete the first sentence of paragraph 4.3.11 and replace with the following: “The background evidence report on the assessment of the Area of Separation sets out the rationale for defining the area, the evidence of the process of assessing alternative boundaries and the criteria used to select the boundaries.”

Revise paragraph 4.3.14 to read “....field boundary of the area identified as Site 39 in the LCC SHEELA.”

Recommendation 9: Delete Policy CL6.

Revise the heading of 4.3 to read “Area of Separation and Open Spaces”.

Revise the order of the introductory text as follows: paras 4.3.1, first sentence of 4.3.2, followed by 4.3.7 – 4.3.10. Delete the remaining text in the introduction to the section.

After the justification to Policy CL5 add a new section: “Protection of Open Spaces” and the following text:

“Local Plan Policy SC3 identifies the following areas as important for sport, recreation and leisure, as shown on Map X. They are safeguarded through Local Plan Policy DM27:

- 1. Becksid**
- 2. Caton Bowling Green**
- 3. Caton Primary School Fields**
- 4. Fell View**
- 5. The River Lune Millennium Park (Millennium Way) – Crook o’ Lune to end, including adjacent land.**
- 6. Parish Woodland**
- 7. Station Field**
- 8. Lunesdale Lawn Tennis Club**

“Local Plan Policy DM27 sets out measures to protect and safeguard the areas to retain them as open areas for enjoyment for sport, recreation and leisure.

The following is a description of each area. Paragraphs 4.3.21 - 4.3.27 and add a description of the tennis club.

Delete paragraphs 4.3.28 – 4.3.32.

Delete the sites and reference to Policy CL6 from the CWLNP Policies Map.

Recommendation 10: Revise Policy CL7 as follows:

Revise criterion c) to read: *“All development with external lighting should meet or exceed Institute of Lighting Professionals guidance for the environmental zone in which the development is set to take place.”*

Revise criterion d) to read: *“Proposals should consider whether the benefits of the lighting outweigh any harm caused. Proposals should consider the impact of external lighting on:*

- III. *Biodiversity (including bats and other light sensitive species); and*
- IV. *Viewpoints and locations used to view dark skies.”*

Delete the final sentence of the policy on traditional buildings.

Add the following to the justification: *“The Institute of Lighting Professionals guidance entitled “The Reduction of Obtrusive Light” can be found at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>.”*

Recommendation 11: Revise Policy CL8 as follows:

Revise the first paragraph of the policy to read: *“Where development proposals may affect the significance of designated heritage assets, either directly or indirectly within their setting, they must take account of the unique heritage assets.”*

Revise the second paragraph of the policy to read: *“Before works to heritage assets take place, an assessment of its significance should be undertaken, proportionate to the asset’s importance, to understand its architectural and historic interest and to assess the nature and scale of impact on its significance.”*

Revise the fourth paragraph of the policy to read: *“Development proposals will not be supported where they cause unjustified harm to the significance of heritage assets and historic landscape character, including cumulative impacts, that lack clear public benefit.”*

Recommendation 12: Revise Policy CL9 as follows:

Revise criterion e) to read: *“Must not use existing development that is poor quality or harmfulfor further poor quality or harmful development.”*

Add the following at the end of paragraph 4.6.1: ***“This policy should be read in conjunction with Local Plan policies in particular Policy DM29.”***

Delete paragraphs 4.6.9 - 4.6.10.

Recommendation 13: Revise Policy CL10 as follows:

Revise criterion e) to read: ***“Business signage should be of an appropriate design and scale which is in keeping with its wider setting.”***

Recommendation 14: Revise Policy CL11 as follows:

Revise the first paragraph of the policy to read: ***“.....vitality and viability of local shopping and employment areas ...”***

Add the following paragraphs before paragraph 4.7.6 as follows: ***“The centre of Caton is identified as a Rural Local Centre under Local Plan Policy TC1; guidance on development in Local Centres is set out in Policy DM18. The area contains a shop, café, pubs, petrol station and community facilities around the junction of the A683 and Brookhouse Road. Brookhouse contains three premises on Sycamore Road. Willow Mill is identified as a Rural Employment Site under Local Plan Policy EC1. Willow Mill is a converted Grade II listed stone mill which is divided into office space for 16 business units.”***

“There are a number of community buildings which provide services to the community located throughout the two settlements. Policy DM56 sets out the approach to be taken in considering proposals for new local services and community facilities and evidence to be provided for proposals that would result in their loss.”

Delete paragraphs 4.7.9 – 4.7.17 and 4.7.20.

Recommendation 15: Revise Policy CL12 as follows:

Delete the first paragraph of the policy.

Revise the second paragraph to read: ***“...are protected in accordance with Policies SC3 and DM56 of the Development Management DPD:***

Delete Memorial Gardens, Places of Worship and Church Halls from the list.

Add the following to the list:

- ***“Beckside,***
- ***Parish Woodland,***
- ***Catholic Church, Station Yard***
- ***Brookhouse Community Church, Victoria Institute***
- ***Caton Methodist Church, Artlebeck Bridge***
- ***Caton Baptist Church, Brookhouse Road.***
- ***Lune Valley Methodist Hub, Brookhouse Road***
- ***St Paul’s Church of England, New Street Brookhouse***

- ***Church Hall in the curtilage of St Pauls C of E Church.***

Show the sites and boundaries of the properties on the Policies Map.

Delete paragraph 4.8.10.

Recommendation 16: Revise paragraph 4.9.2 to read: ***“....developer contributions, the Parish Council will work with relevant bodies to seek to ensure that new development....Special Qualities. This Parish Aspiration does not form part of the planning policies of the neighbourhood development plan.”***

Recommendation 17: Revise Policy CL13 as follows:

Revise the first paragraph of the policy to read: “New development should be designed to ensure that runoff rates and volumes achieve greenfield rates or below. All development proposals will be expected to apply the hierarchy for the management of surface water and sustainable drainage systems (SuDS) should be implemented unless there is clear evidence that this would be inappropriate. SuDs must be considered early in the design process and must be integrated with other aspects of a site design. New development proposals will be expected to incorporate site drainage as part of a high-quality landscaped environment. Applicants will be expected to manage surface water through sustainable drainage features with multi-functional benefits in preference to a reliance on underground conventional piped and tanked storage systems. Any sustainable drainage system should be designed in accordance with ‘Ciria C753 The SuDS Manual’ or any subsequent replacement guidance.”

Add the following new paragraph to the policy: “Development proposals on land used for public water supply catchment purposes will be required to consult with the relevant water undertaker. The first preference will be for proposals to be located away from land used for public water supply purposes. Where proposals are proposed on catchment land used for public water supply, careful consideration should be given to the location of the proposed development and a risk assessment of the impact on public water supply may be required with the identification and implementation of any required mitigation measures / management regimes.”

Delete paragraph 4.10.4.

Recommendation 18: Revise Policy CL14 as follows:

Revise criterion b) to read: “they do not have an unacceptable adverse impact on the significance of heritage assets and their settings, historic character, biodiversity, geodiversity assets, or catchment land used for public water supply purposes;

Delete the first sentence of the final paragraph of the policy commencing “Up to date evidence...”

Move the second sentence of the final paragraph of the policy to the justification.

Correct paragraph 4.11.5 to read: "Policy CL14".

Recommendation 19: Revise Policy CL15 as follows:

Revise the title of Policy CL15 to "Housing Allocation"

Revise the Estimated number of Dwellings to "*in the region of 12*".

Recommendation 20: Revise Policy CL16 as follows:

Move the Amount of Development and Site Description from the policy to the beginning of paragraph 5.2.3. Revise the Amount of Development to "*in the region of 12 dwellings*".

Revise the first paragraph of Policy Guidance to read "allocated for development of *in the region of 12 dwellings*. Detailed proposals *should* meet the following site specific development requirements."

Revise criterion b) to read "*Development proposals must ensure that development accords with Policy CL13 in relation to flood risk, sustainable drainage and water quality. In the event that infiltration is not practicable, surface water shall discharge to Escow Beck to the west.*"

Revise criterion h) to read "*....wall should be retained.....features and reduced in height or set back to make provision for the new access arrangements.*"

Add a new criterion: "*(j) The site is located on water catchment land used for public water supply purposes. Development proposals will need to demonstrate that the impact on public water supply is managed and mitigated in liaison with United Utilities.*"

Add a new criterion: "*(k) The site includes significant water supply infrastructure, which will need to be fully considered in the masterplanning / design process and during any construction. Access to such assets will need to be maintained and protective measures will need to be included to ensure any assets are fully protected both during construction and during the lifetime of the development.*"

Delete the 3rd, 4th and 5th sentences from paragraph 5.2.1 "The mini brief is accompanied by....meet policy requirements."

Add the following after paragraph 5.2.3: "*Several water mains have been identified as being either within or in close to proximity to the site. United Utilities will not allow building over or building in close proximity to the water mains. They must be protected both during and after construction and 24 hour access to them must be maintained in accordance with the requirements of United Utilities. The applicant will need to demonstrate the exact relationship between the assets, other utility services and their proposed development.*"

They will need to confirm the precise location of the apparatus as this could significantly impact the preferred site layout and/or a diversion of the asset(s) or protection measures may be required. Any diversion may be cost prohibitive and applicants should not assume that the infrastructure can be diverted. The applicant should be aware that the proposed layout must accommodate United Utilities' assets which will impact on the developable area and the number of units that can be delivered at this site. United Utilities will require a 10m easement for each water pipeline within and near to the site. The level of ground cover to the pipelines must not be compromised either during or after construction and there should be no additional load placed on the pipelines without prior agreement from United Utilities. This would include earth movement, ground re-profiling, materials storage, site welfare cabins and the transport and positioning of construction equipment and vehicles.”