



**LANCASTER**  
**CITY COUNCIL**

*Promoting City, Coast & Countryside*

# **COUNCIL MEETING**

**Wednesday, 17 July 2019 –  
6.00 p.m.  
Morecambe Town Hall**

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Kieran Keane,  
Chief Executive,  
Town Hall,  
Dalton Square,  
LANCASTER,  
LA1 1PJ



# LANCASTER CITY COUNCIL

*Promoting City, Coast & Countryside*

Sir/Madam,

You are hereby summoned to attend a meeting of the Lancaster City Council to be held in the Town Hall, Morecambe on Wednesday, 17 July 2019 commencing at 6.00 p.m. for the following purposes:

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To receive as a correct record the Minutes of the Meeting of the City Council held on 26<sup>th</sup> June 2019 (previously circulated).

3. **DECLARATIONS OF INTEREST**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

4. **ITEMS OF URGENT BUSINESS**

5. **ANNOUNCEMENTS**

To receive any announcements which may be submitted by the Mayor or Chief Executive.

6. **QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11**

To receive questions in accordance with the provisions of Council Procedure Rules 11.1 and 11.3 which require members of the public to give at least 3 days' notice in writing of questions to a Member of Cabinet or Committee Chairman.

7. **PETITIONS AND ADDRESSES**

To receive any petitions and/or addresses from members of the public which have been notified to the Chief Executive in accordance with the Council's Constitution.

8. **LEADER'S REPORT** (Pages 1 - 2)

To receive the Cabinet Leader's report.

**REPORTS REFERRED FROM CABINET, COMMITTEES OR OVERVIEW AND SCRUTINY**

9. **MUSICIANS' CO-OPERATIVE** (Pages 3 - 6)

To consider the report of the Cabinet Member for Arts, Culture, Leisure and Tourism.

10. **LOCAL PLAN** (Pages 7 - 10)

To consider the report of the Leader of the Council.

**MOTIONS ON NOTICE**

11. **MOTION ON NOTICE - FREEMAN'S WOOD** (Pages 11 - 12)

To consider the motion to be proposed by Councillor Mandy Bannon. Seconded by Tim Hamilton-Cox, Dave Brookes, Abi Mills and Gina Dowding.

*"Full Council notes that the letter from council officers to the Planning Inspector, which has gone online from 3/7/2019, says:*

*"Land at Willow Lane, Lancaster (Policy DOS5), Local Green Spaces (Policy SC2).*

*With regard to the Inspector's judgement that available evidence indicates that the area identified as SC2.1 of Policy SC2 and referred to in Policy DOS5 does not fulfil the criteria set out in paragraphs 76 and 77 of the National Planning Policy Framework (2012) for designation as a local green space and accordingly, this site (SC2.1) should be deleted and the policies amended as necessary: The Council accepts the direction of the Inspector and will, through the process of proposed modifications, consult on the removal of the NPPF Local Green Space designation at Freemans Wood, Lancaster, accompanied by the consequent revision to the Local Plan Policies Maps to delete the area identified by Policy SC2.1."*

*However, Council disagrees with this response. Instead, Council resolves to seek advice from an experienced planning counsel on ways that evidence provided by the planning consultants Satnam on Local Green Space designation for Freeman's Wood can be challenged. Council wishes to defend Freeman's Wood and will seek best advice on how to do this.*

*The advice sought from counsel will be agreed in conjunction with the cabinet member for Planning and Marsh Ward councillors. Full Council will be informed of the response and will decide on how to proceed accordingly."*

An officer briefing note is attached.

## **OTHER BUSINESS**

12. **CATERING CONCESSIONS** (Pages 13 - 16)

To consider the report of the Chief Executive.

13. **WRAY-WITH-BOTTON NEIGHBOURHOOD PLAN - ADOPTION (MAKING) OF THE NEIGHBOURHOOD PLAN** (Pages 17 - 135)

To consider the report of the Director for Economic Growth & Regeneration.

***Councillors please note: Appendices 1, 2 and 3 of this report are published electronically to save paper. They can be found on the Council website at:***

<https://committeeadmin.lancaster.gov.uk/ieListDocuments.aspx?CId=305&MId=7285&Ver=4>

14. **ALLOCATION OF SEATS TO POLITICAL GROUPS**

Report to follow.

15. **APPOINTMENT OF INDEPENDENT PERSONS** (Pages 136 - 138)

To consider the report of the Monitoring Officer.

16. **APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP**

Group Administrators to report any changes to Committee Membership.

17. **QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

To receive questions in accordance with the provisions of Council Procedure Rules 12.2 and 12.4 which require a Member to give at least 3 working days' notice, in writing, of the question to the Chief Executive.



.....  
Chief Executive

Town Hall,  
Dalton Square,  
LANCASTER,  
LA1 1PJ

Published on Tuesday 9<sup>th</sup> July 2019.

<b>COUNCIL</b>
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## Leader's Report

19 July 2019

### Report of the Leader of the Council

<b>PURPOSE OF REPORT</b>
To present the Leader's report to Council.
This report is public.

#### RECOMMENDATIONS

- (1) To receive the report of the Leader of Council.

#### REPORT

##### 1.0 Cabinet

##### 2.0 Decisions required to be taken urgently

##### 3.0 Leader's Comments

###### *Future High Streets fund*

The council has been successful in the first stage of Future High Streets fund. We have put in a bid for the maximum £25 million, and being one of the 50 areas going through to the second round secures us £150 000 to further develop the proposal. The Minister was very complimentary about the quality of our bid, and so thanks are due to the officers and partners involved in developing the proposal.

###### Community Engagement

The cabinet broadly, and Cllr Sinclair as the Cabinet member for Communities and Social Justice in particular, is reviewing our current engagement strategies. We think there is a need to distinguish between committees of councillors, committees where we seek to engage specific technical expertise, and broader consultation forums. At the moment these are all considered Cabinet Liaison Groups and it doesn't seem helpful to lump them all together. As always, we'd welcome any thoughts any councillor might have on how we could strengthen community engagement

## *Climate Emergency*

We continue to develop our plans to meet the climate emergency target and increasingly we are contributing to national discussions. Cllr Frea has just helped to found a national network of councils working to meet the climate emergency, and we continue to engage strongly with the Association of Public Sector Executive (APSE) through both elected members and officers in contributing to their development of practical strategies to reduce council's carbon footprint.

It was also very welcome that the Local Government Association (LGA) adopted a climate emergency resolution. This means the LGA will now also play a role in sharing good practice and advocating for the support that council's need to respond to the climate emergency.

## *Local Government Association Conference*

I attended the LGA Conference in Bournemouth July 2 – 4. It was a really interesting and productive three days, the speakers were excellent, the workshops engaging and the exhibition stands fascinating as directors and cabinet members are discovering as I share some of the information I've brought back.

## *Centre for Local Economic Studies (CLES) visit*

CLES were with us on the 8<sup>th</sup> and 9<sup>th</sup> of July speaking to cabinet members, officers and partners as we continue to develop both our community wealth building work specifically and more broadly work out how we will respond to the ideas of new municipalism. We expect CLES to report on their work in September, and will seek further opportunities to brief and engage all councillors.

## *Trainings & Briefings*

We had the last of the four Road to Ambitions seminar, this time on the digital strategy. Thank you to everyone who has participated in or presented at one of the seminars. We'd appreciate feedback on how you've found the both the orientation training and briefings seminars, and welcome suggestions for future seminars. Briefings are already scheduled for the constitution (15/8) and the local plan, and we will continue to get regular updates on the Eden of the North project.

## **4.0 Other Matters**

## **5.0 Key Decisions**

## **Background Papers**

**COUNCIL****Musicians' Co-operative  
17 July 2019****Report of the Cabinet Member for Arts, Culture,  
Leisure and Tourism****PURPOSE OF REPORT**

To provide an update on progress towards fulfilling the resolution of Council on 14 November 2018 in respect of 1 Lodge Street, Lancaster and the Musicians' Co-operative.

**This report is public.**

**RECOMMENDATIONS**

That Council consider the progress update, with further recommendations of Cabinet to follow at future meetings.

**1.0 Introduction**

1.1 Council, on 14 November 2018, made four resolutions in respect of 1 Lodge Street and the Musicians' Co-operative, paraphrased below:

- 1) To rescind the eviction notice, dependent on evidence of sufficient insurance and the completion of the most urgent repairs to protect the safety of building users;
- 2) To formulate an action plan to complete the less urgent repairs to the building by 3 July 2019 (one year after the initial structural survey on the building), with the Musicians' Co-operative continuing to operate during this period, and the council "*accepting responsibility for the most significant urgent structural repairs*" with consideration given to how other repairs could be funded;
- 3) To provide alternative premises where repairs would require the Musicians' Co-operative to vacate the building;
- 4) To offer the Musicians' Co-operative a long-term lease on the property by 3 July 2019, "*below market rate and affordable to the Musicians' Co-operative*" in recognition of the value of the Co-operative's artistic and cultural contributions to the district.

1.2 Resolution 1) was implemented before the end of 2018, with evidence of insurance and the completion of the most urgent repairs. Updates on the other aspect of the resolution are provided below.

## **2.0 Action Plan for Repairs**

- 2.1 Implementation of resolution 2) has continued since the November Council meeting, with a full survey conducted to ascertain the scale and nature of repairs required, and tenders obtained and evaluated for the completion of repairs.
- 2.2 The Council's budget framework for 2019-20 provides funding for "*the most significant urgent structural repairs*" as stated in the motion, but the release of this funding should form part of a wider, long-term action plan.
- 2.3 Whilst the resolution accepts responsibility for a proportion of the repairs, it also states that "*the action plan should cover how best the funds to pay for these repairs could be raised*". This information is not currently available, and as such it is considered that further work is required in collaboration with the Musicians' Co-operative in order to establish a feasible long-term plan.
- 2.4 Resolution 3) will be implemented where vacation of the building is required for any period during the repairs.

## **3.0 Offer of a Long-Term Lease**

- 3.1 Fulfilling resolution 4), by offering the Musicians' Co-operative a long-term lease, is dependent on three key considerations.
- 3.2 Affordability: firstly, in order to offer a lease that is "*affordable*" to the Musicians' Co-operative, the Council must establish what level of rent could be sustained by the Co-operative. Information must therefore be obtained on the Musicians' Co-operative's current and future financial position.
- 3.3 Best Value: Section 123 (1) of the Local Government Act 1972 states that "*Except with the consent of the Secretary of State, a council shall not dispose of land...for a consideration less than the best that can reasonably be obtained.*" This consideration is based on the commercial value of the disposition to the Authority. What is, in any particular circumstances, reasonable depends entirely on the fact of the particular transaction. Whilst ethical considerations play a part in arriving at a decision, there are limits to them.
- 3.4 The Secretary of State's specific consent is not required, pursuant to The Local Government Act 1972: General Disposal Consent (England) 2003 Order, for any disposal of land where:
  - a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, of all or any persons resident or present in its area:



(i) the promotion or improvement of economic well-being;

(ii) the promotion or improvement of social well-being;

(iii) the promotion or improvement of environmental well-being; and

(b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

[unrestricted value means the best price reasonably obtainable for the property on terms that are intended to maximise the consideration, assessed in accordance with the technical appendix to the 2003 Order].

- 3.5 Whether the disposal of land is likely to contribute to the achievements listed above needs to be evidenced based and assessed accordingly. Regard will have to be had to relevant Council's policies and advice will need to be obtained as to the likely undervalue. The Council will also need to have regard to its fiduciary duty. This will involve consideration of what levels of commercial rent it should seek whilst taking into account the social achievements to be obtained.
- 3.6 The Council will need to obtain advice on valuation of the property and will need to obtain evidence as to the likelihood of any of the well-being conditions (set out above) being met. It will also need to assess rental values in light of evidence on valuation and welling.
- 3.7 Social Value: the resolution states that a rent below market rate be offered to the Musicians' Co-operative "*in recognition of the importance of the Co-op's facilities, music and the arts to our district's economy.*" Establishing the terms of a lease should therefore take account of the council's desired outcomes in terms of arts and culture development, and the Co-operative's contribution to these, in line with the council's similar relationships with other arts providers.
- 3.8 Full information on the Musicians' Co-operative's current and future financial position is not available at this time, and as such the terms of a lease cannot be recommended for consideration by the Cabinet or Council until this information is obtained.
- 3.9 To facilitate progress on this, the council has appointed a consultant to work with the Musicians' Co-operative in producing a long-term business plan and operating model which would form the basis for offering a long-term lease.

**RELATIONSHIP TO POLICY FRAMEWORK**

Supporting the development of arts and culture in the district contributes to the council's Ambition of enabling Healthy and Happy Communities in its Council Plan 2018-22.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

No direct impact arising from this report.

**LEGAL IMPLICATIONS**

No direct implications arising from this report. Legal implications of any decisions to be taken by Council will be outlined in future reports.

**FINANCIAL IMPLICATIONS**

No direct implications arising from this report. Financial implications of any decisions to be taken by Council will be outlined in future reports.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

No direct implications arising from this report.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comment.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comment.

**BACKGROUND PAPERS**

Council 14 November 2018: minute 75

**Contact Officer: Jason Syers**

Director for Economic Growth & Regeneration

**Telephone:** 01524 582011

**E-mail:** [jsyers@lancaster.gov.uk](mailto:jsyers@lancaster.gov.uk)

**COUNCIL****Local Plan  
17 July 2019****Report of the Leader of the Council****PURPOSE OF REPORT**

To note a letter from the Planning & Housing Policy Manager to the Planning Inspector.

**This report is public.**

**RECOMMENDATIONS**

- (1) That Council notes the letter from the Planning & Housing Policy Manager's reconfirming, in writing to the Planning Inspector, the council's position in accordance with advice given by Counsel for Lancaster City Council on Tuesday 23 May 2019.

**1.0 Introduction**

- 1.1 Council, on 20 December 2017, resolved to publish its Local Plan and background evidence, obtain formal representations and submit the documents to the government for Independent Examination.
- 1.2 Examination Hearings took place during April and May 2019, including an additional sitting day on Tuesday 21 May 2019. The Inspector is currently deliberating on the soundness of the submitted documents.
- 1.3 On Tuesday 21 May 2019, the council's team advised the Inspector of the change in political administration following the local election of 2 May 2019.
- 1.4 The council's team advised the Inspector that the Leader of the Council and the Portfolio Holder for Economic Regeneration had specifically asked that the Inspector be informed that the council would consider its approach to the ongoing plan preparation process at the first meeting of the newly elected Council on 26 June 2019.
- 1.5 Whilst this matter was not considered on 26 June 2019, this letter has now come to Council for noting.

**RELATIONSHIP TO POLICY FRAMEWORK**

The Local Plan forms a core part of the council's policy framework, setting out how planning applications should be decided, and identifying areas for development and areas which should be protected from development because of their environmental, social and economic value.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

No direct impact arising from this report.

**LEGAL IMPLICATIONS**

No direct implications arising from this report.

**FINANCIAL IMPLICATIONS**

No direct implications arising from this report.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

No direct implications arising from this report.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comment.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comment.

**BACKGROUND PAPERS**

Council 20 December 2017: minute 88

**Contact Officer: Jason Syers**

Director for Economic Growth & Regeneration

**Telephone:** 01524 582011

**E-mail:** [jsyers@lancaster.gov.uk](mailto:jsyers@lancaster.gov.uk)

**Examination of the Lancaster District Local Plan (the Plan) Part One: Strategic Policies & Land Allocations Development Plan Document and Part Two: Development Management Development Plan Document, Submission Drafts**

**Letter to the Examining Inspector providing an update on the statement made on the ninth day of hearings (Tuesday 21<sup>st</sup> May 2019) by leading counsel for Lancaster City Council following the change in the Council's political administration.**

To: The Programme Officer

Fao: Mr Richard McCoy,

The Examining Inspector of the Lancaster Local Plan

Etc

Dear Kim,

I have been asked by the Council's Leader to write to the Planning Inspector in respect of the Council's Local Plan.

At the outset of the ninth day of Examination Hearing Sessions the Council's team advised the Inspector that following the Local Government elections on the 2<sup>nd</sup> May 2019 that there had been a change in the Council's political administration. The Council team advised the Inspector that the Leader of the Council and the Portfolio Holder for Economic Regeneration had specifically asked that the Inspector be informed that the Council would consider its approach to the ongoing plan preparation process at the first meeting of the newly elected Council on 26<sup>th</sup> June 2019. Counsel for the City Council advised that the Council would inform the Inspector of the outcome of that meeting at the earliest opportunity.

At that meeting on 26<sup>th</sup> June 2019, the Council did not resolve to promote any further additional modifications to the submitted Local Plan documents. The Council's formal position is therefore that it intends to proceed as previously understood. That is to say that it intends to consult only on proposed modifications identified and raised by the inspector.

The Council did nonetheless at that meeting note a report from the Council Leader that, pursuant to the Climate Change Emergency declared by the Council's previous political administration in January 2019, the new administration intends to explore and develop measures to help redress the challenge of climate change, including through the development and potential revision of local planning policies. The Council has not resolved to promote additional further modifications and does not intend to provide further evidence to the Examination in addition to those discussed at the examination hearings, unless specifically requested to do so by the Inspector. The Council does, nonetheless, wish that during his on-going consideration of the soundness of the submitted documents that the Inspector in his deliberations;

- Continues to be alert to the concerns raised on the climate change agenda presented by parties at the Examination hearing sessions, and,
- Is aware of the Council's clear current intentions for taking local action on the climate change agenda.

Accordingly, should the Inspector conclude that the submitted documents are capable of being found sound, subject to modifications, then following a decision by the Council to adopt the submitted documents, the Council anticipates that it will promptly resolve to commence a review of the adopted documents such that, taking account of any relevant new evidence and, potentially, new national guidance, planning policies may be reviewed in pursuance of the Council's own declaration of an emergency in January 2019.

Yours sincerely,

Maurice Brophy MSc BSc (Hons) DipTP MRTPI CIHM  
Planning and Housing Policy Manager  
Lancaster City Council

**NOTICE OF MOTION:****LAND AT WILLOW LANE (FREEMAN'S WOOD), LANCASTER**

To consider the motion to be proposed by Councillor Mandy Bannon. Seconded by Tim Hamilton-Cox, Dave Brookes, Abi Mills and Gina Dowding.

*"This Council notes that the letter from Council Officers to the Planning Inspector, which has gone online from 3/7/2019, says:*

*"Land at Willow Lane, Lancaster (Policy DOS5), Local Green Spaces (Policy SC2).*

*With regard to the Inspector's judgement that available evidence indicates that the area identified as SC2.1 of Policy SC2 and referred to in Policy DOS5 does not fulfil the criteria set out in paragraphs 76 and 77 of the National Planning Policy Framework (2012) for designation as a local green space and accordingly, this site (SC2.1) should be deleted and the policies amended as necessary: The Council accepts the direction of the Inspector and will, through the process of proposed modifications, consult on the removal of the NPPF Local Green Space designation at Freemans Wood, Lancaster, accompanied by the consequent revision to the Local Plan Policies Maps to delete the area identified by Policy SC2.1."*

*However, Council disagrees with this response. Instead, Council resolves to seek advice from an experienced planning counsel on ways that evidence provided by the planning consultants Satnam on Local Green Space designation for Freeman's Wood can be challenged. Council wishes to defend Freeman's Wood and will seek best advice on how to do this.*

*The advice sought from counsel will be agreed in conjunction with the cabinet member for Planning and Marsh Ward councillors. Full Council will be informed of the response and will decide on how to proceed accordingly."*

**OFFICER RESPONSE:**

The Motion quotes only two of the three paragraphs from the Council's response to the Planning Inspectorate dated 3 July 2019. Critically the Motion omits the final paragraph, which reads as follows:

*"The SC2.1 Local Green Space designation was intended to provide a higher level designation of special protection for a small number of green spaces in the district. The majority of the area identified in the submitted plan as SC2.1 Freeman's Wood NPPF Local Green Space will continue to be identified under Policy SC3: Open Space, Recreation and Leisure. On the Policies Map Policy SC2.1 is overlain on the area otherwise allocated by Policy SC3 as amenity greenspace".*

Therefore, the Officer Response to the Inspector notes the Inspector's judgement on this matter. However it then states that the Council will continue to seek protection for Freeman's Wood through Local Plan Policy SC3. Policy SC3 states:

### **Policy SC3: Open Space, Recreation and Leisure**

**Existing open space and recreation facilities have been identified on the Local Plan Policies Map. These sites, identified for their recreation, environmental and/or amenity value will be protected from inappropriate development in accordance with relevant national and local planning policy.**

In other words, the Council's response indicates that it does not intend allocating the site for development.

With regard to the suggested resolution, there are matters to note:

- (i) The Inspector has already considered the Council's evidence, as advocated by Paul Tucker QC (Head of Kings Chambers' Planning Division and Deputy Head of Kings' Chambers) and Council Officers. The Inspector's subsequent letter to the Council sets out his position; namely that he has not been convinced by the Council's case for making Freeman's Wood a NPPF Local Green Space. This does not necessarily mean that he has agreed with counter-evidence put forward by Satnam.
- (ii) Nonetheless the Inspector has made a decision based upon the evidence presented at the Examination. It constitutes his judgement on the matter, and therefore seeking an opinion from Counsel will have no effect in changing his direction.
- (iii) The Motion asks for advice as to how Satnam's evidence can be challenged. The time for challenging the evidence presented by Satnam was during the Examination Local Hearing Sessions. The Council's QC and Officers did this robustly. Regrettably, no other parties chose to appear at the Examination to explicitly support the Council's position regarding Freeman's Wood.
- (iv) To conclude, the actions within the Motion are not consistent with the Local Plan process. However, the Inspector's judgement to delete Freeman's Wood would be the subject of a (statutory) 6-week consultation, along with the other modifications to the Local Plan. The consultation therefore provides the opportunity for other parties to express comment on the Inspector's decision. The Inspector will then take all comments received during the consultation process into account when he drafts his report regarding soundness.

#### **Section 151 Officer comment:**

If the motion is carried, the council would have to incur expenditure on instructing Counsel to give an opinion. Based on previous experience the cost of this exercise is estimated at between £5,000-£7,000.

Given that the expenditure of between £5,000-£7,000 would be contrary to officer advice, a third party may question the value for money associated with such a decision.

#### **Monitoring Officer comment:**

The Monitoring Officer has considered the officer response and concurs with the advice provided.



**COUNCIL**

**Catering Concessions  
17 July 2019**

**Report of the Chief Executive**

**PURPOSE OF REPORT**

To bring the matter of Ice Cream concessions on Morecambe Promenade and Cafés in Morecambe which are leased from the Council – originally raised as a motion on notice on 26 June 2019 - back to Council for consideration, as resolved at that meeting.

**This report is public**

**RECOMMENDATIONS**

- (1) **Regarding Ice Cream Concessions on Morecambe Promenade, that:**
- a) **For the remainder of this season tenders will be invited for the five pitches currently allocated on the promenade**
  - b) **A review of the ice cream vending operation on Morecambe promenade takes place ahead of the 2020 season, and is brought back as part of the 2020 budget process.**
- (2) **Regarding Cafés, that discussions will take place over the summer with the two tenants whose lease ends on 31<sup>st</sup> October 2019. The purpose of these discussions would be to explore if they would be interested in delivering their operation in a way that met the defined outcomes (see paragraph 2.3), from which a model of operation could then be brought forward to Cabinet.**
- (3) **That further work take place to develop principles around the commercial use and operating models of the Council's property.**

***NOTE- Existing directly delivered catering and ice cream operations would, of course, continue to be developed from outlets and land not covered above.***

**1.0 Background**

- 1.1 In 2018 the Council took the decision to directly sell ice creams and operate cafes on Morecambe promenade, when they became available.
- 1.2 The reason for this was to generate additional income for the Council by expanding the Council's existing catering operations.
- 1.3 The motion to Council on 26<sup>th</sup> June 2019 (**Appendix A**), although very specific, also raised some questions of what the principles should be that underpin the new Council's commercial approach. Hence the decision in relation to the motion-

*'That Cabinet Members take further soundings on the matters raised by the motion and that the agenda item returns to full council on 17 July 2019 for a final decision.'*

## **2.0 Proposals**

- 2.1 Since the last Council meeting, Cabinet Members have taken further soundings and would propose the following-
- 2.2 The Council already operates a number of very successful commercial operations and, based on the scale of the financial challenge faced by Councils, developing further commercial operations to provide income remains a priority. The new administration also has other key strategic priorities including addressing climate change and community wealth building. As part of the assessment of the business case for any new commercial ventures it will be important that these are all addressed.
- 2.3 In terms of outcomes from concessions on Council owned land the following are considered important-
- Maximising income to contribute to the Council's budget.
  - Delivering in such a way as to contribute to meeting the climate emergency.
  - Moving towards a position where all staff operating from Council land are paid at the real living wage – irrespective of age.
  - Providing high levels of customer service, positively contributing to the wider visitor offering and community wellbeing.
  - Ensuring that there is an appropriate balance between concessions on Council land and shop based businesses.
- 2.4 Achievement of these outcomes will generate a net benefit to the District. In which case who provides the actual service becomes a secondary consideration.
- 2.5 It also recognised that achieving these outcomes will require giving concessionaires some time to consider what the potential outcomes mean for their current operating model.
- 2.6 Cabinet's proposals are set out in the recommendations above.

## **3.0 Conclusion**

- 3.1 Council is asked to agree the recommendations of Cabinet regarding the issues raised in the catering concessions motion on notice to council on 26 June 2019.

**CONCLUSION OF IMPACT ASSESSMENT**  
**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

### **LEGAL IMPLICATIONS**

#### **Cafés under Leases**

The Council is entitled, via service of statutory notices, to terminate leases at the expiry of their term. Business leases are afforded statutory protection and security under the Landlord and Tenant Act 1954 (unless the provisions are excluded by the parties). This includes, a

requirement on landlords to serve notices, within a prescribed period of time, setting out particular grounds for termination.

**Power to provide refreshments**

There is a power to charge contained within the **Civic Restaurants Act 1947**, which empowers the district council to supply refreshments to the public together with incidental activities. *Section 3(2)* of the 1947 Act contains a power enabling the Council to act in a commercial manner.

**FINANCIAL IMPLICATIONS**

There are no financial implications at this point.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

There are no HR implications at this point.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments.

**BACKGROUND PAPERS**

**Contact Officer: Mark Davies/Debbie Chambers**  
**Telephone: 01524 582057**  
**Email: [dchambers@lancaster.gov.uk](mailto:dchambers@lancaster.gov.uk)**

**Appendix A**

**Original motion submitted to the 26 June 2019 Council meeting by Councillors Tricia Heath, Geoff Knight, Merv Evans, Cary Matthews and Roger Dennison.**

*"It has not escaped the general public's attention that there were no ice cream vans in their usual spots on Morecambe promenade during the very hot spell of weather at Easter.*

*Lancaster City Council has for many years received guaranteed revenue from leasing these sites to local business. This ended this year as Lancaster City Council has apparently decided it would make much more money from selling ice creams themselves.*

*We all know this will never be the case. It has been proved by the council's failed attempts to run business in the past.*

*Lancaster City Council has already lost 1/2 years rental income from concessionaires and we see no evidence that the council has put any money aside to provide their own ice cream vans. Does this mean that this council no longer has any plans to provide ice cream vans on Morecambe promenade? If so, we are leaving the door wide open for unregulated traders to turn up which raises Health and Safety concerns.*

*Apparently it has also been the policy to cancel leases on cafes at the end of their term. This means that a local resident who has worked hard and put their heart and soul into building up a business will have this taken away from them by the council on the grounds that the council will now keep the profit. This does not inspire entrepreneurship in the town nor does it inspire being in partnership with Lancaster City Council. Is there any member here that thinks this is a sensible or desirable way forward?*

*Other cafe owners have now been told that they will not be able to renew their lease - what incentive is there to invest in or improve their business.*

*We propose that the Council:-*

- 1) Does not take the livelihoods of local residents away from them by not renewing their leases;*
- 2) Does not begin the business of selling ice creams on Morecambe Promenade;*

*And that:*

- 3) The Council's priorities should be on fulfilling its statutory duties"*

<b>COUNCIL</b>
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**Wray-with-Botton Neighbourhood Plan – Adoption  
(Making) of the Neighbourhood Plan  
17 July 2019**

**Report of the Director for Economic Growth &  
Regeneration**

<b>PURPOSE OF REPORT</b>
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To formally “make” the Wray-with-Botton Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.
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<b>This report is public</b>
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**RECOMMENDATIONS**

- (1) That the Council, under section 38A(4) of the Planning and Compulsory Purchase Act 2004, formally make the Wray-with-Botton Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.**

**1.0 INTRODUCTION**

- 1.1 The National Planning Policy Framework (NPPF) and the Localism Act (2011) give local communities direct power to development their shared vision for their neighbourhood and deliver the sustainable development they need. The preparation of a neighbourhood plan provides a powerful set of tools for local people to get the right type of development for their community.
- 1.2 Wray-with-Botton are one of eleven designated neighbourhood plan areas within Lancaster District. The Independent Examination took place in the autumn of 2018, the outcome being that subject to modifications the neighbourhood plan could advance to the reference stage.
- 1.3 Following a unanimously positive referendum result on the 30<sup>th</sup> May 2019, this report recommends that the Wray-with-Botton is ‘made’ by the Council and becomes part of the statutory Development Plan for the area. Where planning applications come forward within the parish of Wray-with-Botton (including the village of Wray), alongside other relevant local and national planning policy and guidance, the Neighbourhood Plan will form an important basis for making decisions.
- 1.4 The making of the Wray-with-Botton Neighbourhood Plan marks the culmination of over four years’ of challenging work by the neighbourhood plan working group

which should be commended. Upon making the plan, it will become the second neighbourhood plan within the district to be 'made' following the adoption of the Wennington Neighbourhood Plan in April of this year.

## **2.0 PROPOSAL DETAILS**

- 2.1 Wray-with-Botton began work on their Neighbourhood Plan following designation in early 2015. In preparing the document, the group has placed community engagement at the heart of their plan, undertaking a series of consultations and building evidence to support the policies contained in the plan.
- 2.2 The content of the plan seeks to address a range of planning matters and seeks to make specific allocations for future housing growth, particularly in the village of Wray (which is reflective of the fact that Wray is considered a sustainable settlement in both adopted and emerging district-wide policy). The allocations made within the Neighbourhood Plan include a number of small sites that have previously secured planning permissions and also includes the identification of Hoskins Farm (which is located at the centre of the village) for future housing development should the farm operations cease on the site.
- 2.3 The plan also contains a number of more descriptive policies that seek to address a range of matters including the built environment, the rural economy, the natural environment, transport and community aspirations.
- 2.4 The Parish Council (who are responsible for preparing the plan) fulfilled the statutory requirements of the neighbourhood plan-making process and undertook consultation on a draft plan in late 2017 and a finalised version over the summer of 2018. The plan and the policies / allocations within it have been supported by the majority of residents at these stages.
- 2.5 Following the publication of the final version of the Wray-with-Botton Neighbourhood Plan, the documentation was scrutinised by an independent examiner. The examiner was appointed jointly between the City Council and the Parish Council. The examination of the plan was carried out through the written representations procedure and did not involve any form of hearing sessions. The final version of the Examiner's Report was received on the 12<sup>th</sup> December 2018 and it recommended that, subject to a series of modifications, the plan could proceed to referendum. This Examiner Report can be found In Appendix B of this report.
- 2.6 A report was taken to Cabinet on 5<sup>th</sup> March 2019 that sought approval to progress to referendum and agree proposed changes as advised by the Examiner. Approval was granted and a Regulation 18 Decision Statement was issued giving notice of the forthcoming referendum.
- 2.7 The referendum for the Wray-with-Botton Neighbourhood Plan took place on 30<sup>th</sup> May 2019 in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.
- 2.8 The referendum was held in the Wray Village Institute in the centre of the Parish. There was a turnout of 49% of eligible voters at the referendum, equating to 197 voters (electorate of 402). Of the votes received 187 voted yes in response to the referendum question, "Do you want Lancaster City Council to use the Neighbourhood Plan for Wray-with-Botton to help it decide planning applications in the neighbourhood area?"

- 2.9 The Planning and Compulsory Purchase Act (as amended) by virtue of Section 38A(4) requires the Council to 'make, a neighbourhood plan if more than 50% of those voting at a referendum vote in support of the neighbourhood plan. It is therefore a legal requirement following a positive outcome at referendum, the exception being where making the plan would breach, or otherwise be incompatible with, any EU or human rights obligations. The Council have assessed and concluded that the plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1988). The Examiner's Report also stated that the Wray-with-Botton Neighbourhood Plan does not breach the European Convention on Human Rights obligations. Therefore the Local Planning Authority is now under a statutory duty to 'make' the Wray-with-Botton Neighbourhood Plan.
- 2.10 The Wray-with-Botton Neighbourhood Plan will be used in the determination of planning applications that fall within the parish of Wray-with-Botton. Its effectiveness will be monitored annually and the need to review the Wray-with-Botton Neighbourhood Plan in due course will be considered as part of this process.

### **3.0 OPTIONS AND OPTIONS ANALYSIS (INCLUDING RISK ASSESSMENT)**

- 3.1 As outlined, the making of the Plan is mandatory given the outcome of the referendum and legislative assessment, and therefore options in this regard are limited.
- 3.2 It is possible that a legal challenge can be brought against the Local Planning Authority by way of judicial review of the decision in relation to the Local Planning Authorities decision to hold a referendum or around the conduct of the referendum. All reasonable measures have been taken to ensure procedural compliance and minimise risk for the Council.

### **4.0 OFFICER PREFERRED OPTION (AND COMMENTS)**

- 4.1 As outlined above, the making of the Plan is mandatory given the outcome of the referendum and legislative assessment, and therefore the options in this regard are limited.

### **5.0 CONCLUSION**

- 5.1 In conclusion, following a positive outcome of the referendum of the Wray-with-Botton Neighbourhood Plan, and subsequent consideration that the Neighbourhood Plan does not breach, or is incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1988), the Wray-with-Botton Neighbourhood Plan should be made and, as such become part of the statutory Development Plan for the area.

#### **RELATIONSHIP TO POLICY FRAMEWORK**

Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth.

Once made (adopted), neighbourhood plans will form part of the Council's Lancaster District

Local Plan.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

The Examiner has confirmed that the Wray-with-Botton neighbourhood Plan meets the Basic Conditions (subject to recommended modifications). One of these conditions is that it must be compatible with human rights requirements. Officers agree that the plan, with modifications meets the Basic Conditions.

There are not considered to be any equality impacts relating to recommendations of this report.

Another of the Basic Conditions is to contribute the achievement of sustainable development. The neighbourhood plan was supported by a Strategic Environmental Assessment screening that concluded that the plan would not trigger significant environmental effects. In addition to this, the Council has confirmed that it believes the plan meets the Basic Conditions including in terms of sustainability.

### **LEGAL IMPLICATIONS**

The Council's Legal duties are set out within the body of this Report and within Section 38A(4) and Section 38A(6) of the Planning and Compulsory Purchase Act 2004, this requires

- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made—
- (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and
  - (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held [F2and, in any event, by such date as may be prescribed].
- (6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

Given the above, in the case of Wray-with-Botton where there was unanimous vote in favour of making the Neighbourhood Plan and after consideration, conclusion is that the making of the plan would not breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998), there is a legal requirement for the plan to be made.

Upon being 'made', Wray-with-Botton Neighbourhood Plan will be subject to a statutory period of time (six weeks) within which a legal challenge can be lodged.

### **FINANCIAL IMPLICATIONS**

Once the Wray-with-Botton Neighbourhood Plan is 'made', should the Council seek to bring forward a Community Infrastructure Levy within the district in the future, 25% of any receipts generated from development within Wray-with-Botton parish will be passed to the Parish Council.

There may be a requirement for additional staff resources but these are expected to be minimal and manageable within the resources available.



**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

The Economic Growth and Regeneration Service is adequately resourced to advance the challenges of preparing DPDs as part of the Council's Local Plan.

**Information Services:**

No direct implications.

**Property:**

No direct implications.

**Open Spaces:**

No direct implications.

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

Appendix A – Wray-with-Botton Neighbourhood Plan

Appendix B - Examiners Report on Wray-with-Botton Neighbourhood Plan

Appendix C - Draft Regulation 19 Decision Statement

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# Wray with Botton

Neighbourhood Development Plan

Referendum Version

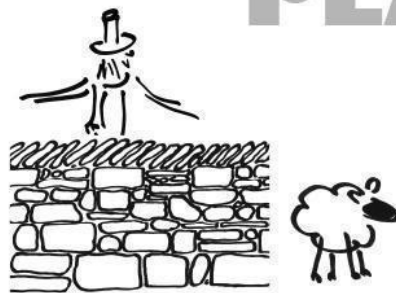
January 2019

# 2018-2031



# Wray

## NEIGHBOURHOOD PLAN



**Wray with Botton Neighbourhood Development Plan**

**2018 - 2031**

**Wray with Botton Parish Council**

**Referendum Version**

**January 2019**

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## Foreword

Neighbourhood Plans introduced through the Localism Act of 2011 help local communities to influence the planning of the area in which they live and work.

Wray with Botton Parish Council chose to prepare a Neighbourhood Plan in 2014 and since then, a committee of residents, the Neighbourhood Planning Group (NPG) has met regularly to develop the Plan. The creation of a Neighbourhood Plan is a rigorous process that has demanded incredible commitment from the members of the NPG, and their efforts are to be thoroughly commended.

At the heart of the Plan is the evidence gathered from consultations, surveys and professional advice. This evidence has helped shape the Vision and Objectives that in turn are set out as Policies which, together with Lancaster City Council's Local Plan, will shape future development in the village and against which planning applications will be judged.

Wray with Botton is a special place with a rich cultural heritage and a strong sense of community, set in the protected landscape of the Forest of Bowland Area of Outstanding Natural Beauty. The policies drawn up by the NPG are therefore the result of many months of careful consideration of all the feedback received from Wray with Botton residents, local business, statutory authorities and other stakeholders. Every effort has been made by the NPG to ensure that the Plan truly reflects the majority of views of local residents.

Wray with Botton Parish Council is very proud of all the work undertaken by the NPG on its behalf. The Plan has been approved by an independent examiner and will now be considered by the City Council before it arranges a referendum of Parish residents to seek their support for its adoption. This is the final step towards giving the Parish the security of having the Neighbourhood Plan as the legal framework against which all future planning applications can be assessed.

George Halstead

Chairperson,

Wray with Botton Parish Council

## Section 1 INTRODUCTION

### 1.1 What is a Neighbourhood Plan?

1.1.1 Neighbourhood Development Plans were introduced in the 2011 Localism Act.

1.1.2 The National Planning Policy Framework (March 2012) states:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes ....can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications; and grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order (para.183).

1.1.3 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies (para.184).

1.1.4 Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation (para.185)”.

### 1.2 Why a Neighbourhood Plan for Wray with Botton?

1.2.1 Wray with Botton Parish lies wholly within the Forest of Bowland Area of Outstanding Beauty (AONB). The AONB designation has the statutory purpose of conserving and enhancing the natural beauty of the area. This means that the area’s landscape has been identified by the Government as being of national importance. Designation as an AONB and the resulting legal powers and statutory obligations arise out of the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000.

1.2.2 The AONB is a special place, characterised by the grandeur of the upland core; the steep escarpment of the Moorland Hills; the undulating lowlands; the visual contrasts between each element of the overall landscape; the serenity and tranquility of the area; the distinctive pattern of settlements; the wildlife and the landscape’s historic and cultural associations. Wray with Botton Parish includes many of these characteristics which contribute to make it a special place to live, work and play.

1.2.3 Lancaster City Council along with other public bodies have a statutory duty under Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 to have regard to the statutory purpose of AONBs in carrying out their functions. Within the AONB, Government policy requires that councils give great weight to conserving landscape and scenic beauty. Management of the AONB which encompasses 18 parishes within 2 counties with 6 district councils is coordinated by the AONB partnership with its policy framework over the period April 2014 to March 2019 set out in the Forest of Bowland Management Plan<sup>1</sup>. The vision for all partners to work towards is that the Forest of Bowland AONB should retain its sense of local distinctiveness, notably the large scale open moorland character of the Bowland Fells, traditional buildings and settlement patterns of villages, hamlets and farmsteads. Natural and cultural heritage should be sympathetically managed and contribute to a sustainable and vibrant local economy.

1.2.4 The two AONBs which lie within the Lancaster District are relatively small and sparsely populated compared with the whole and the City Council recognised that the District-wide Local Plan would not have the AONBs as their main focus. Whilst the administrative burden of dealing with the 6 separate councils in the Forest of Bowland AONB was considered too onerous to deal with, nevertheless it has chosen to work with South Lakeland District Council to produce a Development Plan Document for the Arnsdale and Silverdale AONB<sup>2</sup>. The AONB DPD can focus on the AONB and have its conservation and enhancement at its heart. It is an important means of implementing the AONB Management Plan and will give statutory development plan policy force to some of the principles of the management plan when planning applications are considered. The Neighbourhood Plan for Wray draws on the work the City Council has done in preparing the AONB DPD and seeks a similar approach within the Forest of Bowland. The emerging Local Plan now recognises the importance of both AONBs within the District with policies which are now acknowledged within the Neighbourhood Plan.

1.2.5 Wray with Botton Parish Council, mindful of its location within the AONB decided in Autumn 2014 to draw up a Neighbourhood Development Plan for Wray with Botton because it was concerned about a number of issues affecting the Parish:

Issue 1 Meeting the housing needs of the people of Wray

Issue 2 Preserving the historic landscape and townscape of Wray and ensuring that any new development in Wray respects these

Issue 3 Finding appropriate uses for sites and buildings in Wray that fall into disuse

1.2.6 By working with Lancaster City Council, the Forest of Bowland AONB, and local village groups, Wray with Botton Parish Council established that a Neighbourhood Development Plan with appropriate planning policies, allocations and guidance would be a good way to address these issues.

<sup>1</sup> Forest of Bowland Management Plan 2014-19 <http://forestofbowland.com/Management-Plan>

<sup>2</sup> Submission Version Arnsdale and Silverdale AONB DPD Feb 2018



1.2.7 The Wray with Botton Neighbourhood Plan sets out a vision and objectives for the future of Wray with Botton and establishes how that vision and objectives will be realised by identifying planning policies, allocations and guidance that can control land use and development in the parish.

### 1.3 Other documents guiding development in the Neighbourhood Plan Area

1.3.1 The Neighbourhood Plan (NP) is only one of a number of plans and strategies affecting the parish. It will complement existing plans and strategies including the AONB Management Plan and other existing and emerging national and local planning policies. The NP must be read alongside these other documents in order to understand the full range of requirements to which new development will be subject. These other documents can be found on national Government, Lancaster City Council and Forest of Bowland websites - the most important are briefly described below, with more detail contained in Appendix 1:

#### National Planning Policies

1.3.2 Local and Neighbourhood Plans must be in general conformity with national planning policies set out in the National Planning Policy Framework (NPPF) (2012)<sup>3</sup>. The NPPF sets out how social, economic and environmental objectives should be achieved together. The central theme of the NPPF is a 'presumption in favour of sustainable development', which provides that areas should meet their own objectively assessed development needs, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3.3 However, this provision does not apply in certain places where development is restricted because the area is considered to be particularly sensitive to development. This restriction includes Areas of Outstanding Natural Beauty (AONBs) such as the Forest of Bowland. The NPPF emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs, and that they have the highest status of protection in relation to landscape and scenic beauty. The Neighbourhood Plan has therefore positively sought opportunities to meet the development needs of the local area in the context of the very high priority given to the protection of landscape character in the AONB.

#### The Lancaster District Local Plan

1.3.4 The relevant parts of the Lancaster Local Plan are:

- I. **The Lancaster District Core Strategy (2008)**, which sets out the overall development strategy and vision for the District. It identifies the AONB as a key element of the District's environmental capital. The overall policy of urban concentration also identified the village of Wray as a sustainable location for development to meet local needs.
- II. **The Lancaster District Development Management Policies (2014)**, which sets out policies used to help determine planning applications in Lancaster District. It identifies the

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<sup>3</sup> A revised NPPF was published in July 2018 (<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>), but local and neighbourhood plans that were submitted for examination in or before January 2019 were tested against the 2012 NPPF (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).

village of Wray as a sustainable settlement in which it is appropriate for some development to take place.

- III. **The Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) Submission Version (February 2018).** This document sets out the overall strategy for development within the AONB, including the identification of sites for housing. The DPD is now at an advanced stage and deals with similar issues that arise in the area of the Forest of Bowland AONB that lies within Lancaster District. Therefore, for the sake of consistency in the District's two AONBs, the Neighbourhood Plan draws strongly on its approach.
- IV. **Saved policies of the Lancaster District Local Plan (2004).** Lancaster City Council has submitted two documents for examination which will form the basis of the **new Local Plan** for the district. These are the **Strategic Policies and Land Allocations DPD**<sup>4</sup> for the whole District (excepting the Arnside & Silverdale AONB), and an update to the **Development Management DPD**<sup>5</sup>. The City Council recognises that Neighbourhood Plans are being developed in a number of areas within the District and has not allocated specific sites within these areas. The Council expects, via the Neighbourhood Plan process, the respective Parish Councils to proactively and positively plan for housing growth within their communities. In drafting this NP, full weight has been given to the adopted documents noted at (I), (II) and (III) above whilst significant consideration has been given to the emerging documents as the best representation of the Council's current thinking.

## The Forest of Bowland AONB Management Plan

1.3.5 The AONB Management Plan is a statutory document. It was prepared by the AONB Partnership led by the Joint Advisory Committee comprising county councils, district councils, government agencies, representatives of landowners and other interests. The Management Plan itself is not part of the statutory Local Plan for the area but it is a material consideration in making planning decisions.

1.3.6 The current Management Plan runs from April 2014 to March 2019. It outlines an integrated vision for future development of the AONB based on the highest level of shared aspirations for the area, taking into account relevant international, national, regional and local policies. The NP aims to complement the Management Plan to help deliver its vision of an outstanding landscape, resilient and sustainable communities, and a strong connection between people and the landscape.

## 1.4 Plan Preparation

1.4.1 The Wray with Botton Neighbourhood Plan has been prepared in accordance with the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"), the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2003 and EU Directive 2001/42 on Strategic Environmental Assessment.

1.4.2 In order to prepare the Plan, the Parish Council first had to establish the Area and make arrangements for decision making and undertaking the work. This included setting up a working group and sub-groups for specific areas and themes. Wray with Botton has been fortunate enough to be able to draw on local expertise in a variety of specialist areas

<sup>4</sup> Submission Version May 2018

<sup>5</sup> Submission Version May 2018

in the form of volunteers. It also decided that it would need independent specialist help at certain points in the Plan-making process. To this end it established a budget including grant made available by the Government specifically for the purpose of producing Neighbourhood Plans. It was also able to access other support from Lancaster City Council including planning advice, preparation of plans and diagrams, screening exercises for Sustainability Appraisal under the Strategic Environmental Assessment Directive and Habitats Assessment, legality checking etc. and has engaged with the AONB Unit and many other bodies through a wide ranging consultation process.

## 1.5 Community Engagement

1.5.1 Community engagement and consultation lies at the heart of the neighbourhood planning process. A questionnaire distributed to all households in October 2014 sought comments on the proposed plan boundary and to identify residents' current concerns. The responses were used to develop the vision and objectives for the plan and as a basis for discussions with a number of community groups in February and March 2015. The groups engaged included Wray Endowed Primary School Governors and Senior Leadership Team, Wray School Council (elected body of pupils), Wray Pre-school, Wray Youth Group, Holy Trinity Church, Wray Methodist Chapel, the Women's Institute and Wray Scarecrow Festival & Fair Committee. At the same time, a large number of other statutory bodies and agencies were consulted to identify issues which needed to be taken into account in drafting the plan.

1.5.2 As housing was a clear concern for many respondents, a Housing Needs Survey was carried out in March 2015. This achieved a response rate of 58.6% which is an excellent result for this type of survey. This was followed up in April 2015 with a questionnaire distributed to all households which sought residents' opinions on a number of issues including aspects on quality of life, housing and development, jobs and the local economy and protection of the environment. During the 2015 Scarecrow Festival and Wray Fair, visitors to the village were also invited to give their views on what they thought about the area. All this work was brought together at a public open day in July 2015 when the results were shown and further comment invited. In addition, the local community monthly news sheet, the Wrayly Mail, has been used throughout the development of the plan to keep the community informed of progress. A further public open day was held in March 2017 to show the progress made with drafting the Neighbourhood Plan, including the Housing Needs Survey Report, the draft Landscape Appraisal Report and the emerging results of the site selection and assessment process. All landowners of sites selected for assessment have been consulted and appraised of the outcome of those assessments. General support for the approach and outcomes identified has been noted.

1.5.3 Between 30 September and 10 November 2017 Wray with Botton Parish Council undertook a statutory 6-week consultation on Pre-submission Version 3 of the Plan. Feedback, suggestions and comments have been carefully considered and where appropriate amendments have been made to the Plan accordingly. The comments received and the changes made are recorded in the **Consultation Statement**, available on the City Council's planning website under Wray Neighbourhood Plan. The Consultation Statement contains details of all engagement with the community and others in preparing this Plan.

1.5.4 Following submission to the City Council in June 2018, a formal 6 week consultation was carried out by the City Council who submitted all comments together with the Plan for examination.

1.5.5 The plan was subject to independent examination in late 2018. The Examiner submitted her report in December, concluding that the plan satisfied the Basic Conditions and should proceed to referendum, subject to a set of 18 recommendations. The report and recommendations can be found at <https://bit.ly/2WE6wim>.

## 1.6 Local Authority & Infrastructure Providers Engagement

1.6.1 It has been critical to engage with the Local Authority, Lancaster City Council, throughout the process as once the Plan has passed the Referendum it will form part of Lancaster City Council's Local Plan and any planning applications made for development in Wray with Botton from that point on will then be judged against the Neighbourhood Plan and other relevant Development Plan Documents.

1.6.2 Preparation of the Plan was happening at the same time as Lancaster City Council's Local Plan was evolving. As the Neighbourhood Plan has to be in general conformity with the Strategic Policies of the Local Plan, this made it even more important to maintain a good dialogue with Lancaster City Council throughout the process. In addition, Lancaster City Council has been able to help in a variety of ways in accordance with the Duty to Support in the Localism Act.

1.6.3 Infrastructure providers were consulted at an early stage of plan preparation. None of those who responded identified particular concerns or restraints other than the Environment Agency who drew attention to the Flood Zones within the plan area. Lancashire County Council as Highway Authority was unable to provide resources to comment on matters of access as part of the site assessment process. At the request of Lancaster City Council, the Highway Authority provided brief comments<sup>6</sup> in January 2018. These comments together with the lengthy experience and professional expertise available within the Neighbourhood Planning Group have been used to validate the site assessment. Infrastructure providers were consulted again on the Pre-Submission Version 3 and no comments were received that required any significant changes to be made.

## 1.7 Strategic Environmental Assessment/Habitats Directives

1.7.1 The Neighbourhood Plan has to be assessed under Sustainability Appraisal (SA) to ensure it contributes to sustainable development. This is required by the Strategic Environmental Assessment (SEA) Directive<sup>7</sup>. An assessment is also required under the Habitats Regulations<sup>8</sup>.

<sup>6</sup> Email from David Bloomer (Lancashire CC) to Paul Hatch (Lancaster CC) 24 January 2018

<sup>7</sup> Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment

<sup>8</sup> Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. The Directive is primarily transposed in England under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations).

1.7.2 Once Wray with Botton decided on their Vision and Objectives they submitted these to Lancaster City Council for Strategic Environmental Assessment and Habitats Regulations Directives Assessment screenings. The initial screenings concluded that there was insufficient information available to determine whether assessments would be required. When the Neighbourhood Plan reached pre-submission stage Version 2, it was submitted to Lancaster City Council for further screening. The results are provided in Appendix 6. The Strategic Environmental Assessment screening concluded that it is unlikely that the Neighbourhood Plan would result in a significant environmental effect. The Habitats Regulation Assessment Screening Report identified four policies requiring amendments to their wording to clarify that there would be no likely significant effects on designated sites as a result of their implementation - these amendments were purely to improve clarity and did not relate to mitigation measures. These policies were subsequently amended to satisfy this recommendation and acknowledged at pre-submission stage Version 3. No significant changes have been made after this stage which would require further screening to be necessary.

1.7.3 As a result of concerns raised by the plan's independent Examiner, the City Council undertook additional Heritage Impact Assessments for a number of proposed allocations within the Plan in late 2018 (Appendix 11). Whilst noting potential for impacts the assessments provide guidance on how these can be minimised and how through development heritage assets could be protected for future generations. This work has informed the conclusions of the SEA screening assessment and confirms the City Council's original conclusions that the Plan would be unlikely to result in significant environmental effects.

## **1.8 Area Designation**

1.8.1 One of the first actions in the production of the Neighbourhood Plan was to define the Plan Area and have it officially designated by Lancaster City Council.

1.8.2 Wray with Botton Parish Council was interested in issues that could affect large parts of the Parish area and as such it decided to have the whole of its area designated as the Neighbourhood Plan Area.

1.8.3 The Area was submitted to Lancaster City Council for Designation on 11 November 2014 and, after a 6 week statutory consultation period run by Lancaster City Council, the area was designated on 20 February 2015.

# Wray with Botton Neighbourhood Area



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## 1.9 Structure of the Neighbourhood Plan

The document is split into six sections:

**Section 1** is this introduction. It tells you what the Neighbourhood Plan is, how it was prepared and how it fits into National and Local planning policy.

**Section 2** provides a description of the NP area and background information on the history and character of the village of Wray

**Section 3** sets out the Vision and Objectives for the NP.

**Section 4** sets out the policies through which the vision and objectives will be delivered and includes proposed allocation of sites for development.

**Section 5** considers the monitoring and implementation of the NP

The Appendices are contained in separate documents

## SECTION 2 Wray with Botton

### 2.1 Overview of the Plan Area

2.1.1 The rural parish of Wray with Botton in the City of Lancaster lies in the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It is about 14.5 km (9 miles) long and up to 2.3 km (1.5 miles) wide, comprising the small village of Wray surrounded by agricultural land used for grazing cattle and sheep and a sparsely populated, largely upland area of open countryside to the south bounded to the east by the River Hindburn.

2.1.2 The village, most of which is within a Conservation Area and where most of the population live<sup>9</sup>, is tucked away at the confluence of the Rivers Roeburn and Hindburn at the point where they flow out from their steep-sided wooded valleys into the floodplain of the Lune Valley. Steeped in history, characteristics of this pretty and much-visited community include a one-deep (linear) Medieval street pattern with little development beyond and distant views out to surrounding landscape.

2.1.3 There is a strong tradition of community spirit and action involving people from the fells and the village working together. Local people have embraced change, most recently as part of the vanguard for community-owned Broadband for the Rural North (B4RN) Ltd, a professionally designed, high-speed and world-class fibre optic broadband network serving homes in the parish<sup>10</sup>.

#### Key Statistics

Dimensions About 14.5 km (9 miles) in length by up to 2.3 km (1.5 miles) wide

Area 2171 ha<sup>11</sup> all within the Forest of Bowland AONB

Population 532<sup>12</sup>

Households 222<sup>13</sup> Note that all but 20–25 dwellings are located in and around the village. More than 90 percent are permanent residences, rather than holiday/second homes<sup>14</sup>

Listed Buildings 44 (28 within the Wray Conservation Area) (Ref) In addition to the Listed Buildings, significant numbers of buildings have been identified as Buildings of Special Character

Businesses 44<sup>15</sup> These range from farming to therapy. Many are sole proprietors or employ only small numbers of part-time staff or contractors

<sup>9</sup> Housing Needs Survey Report, 2015

<sup>10</sup> See <https://b4rn.org.uk/> (accessed 16/1/17)

<sup>11</sup> Office for National Statistics

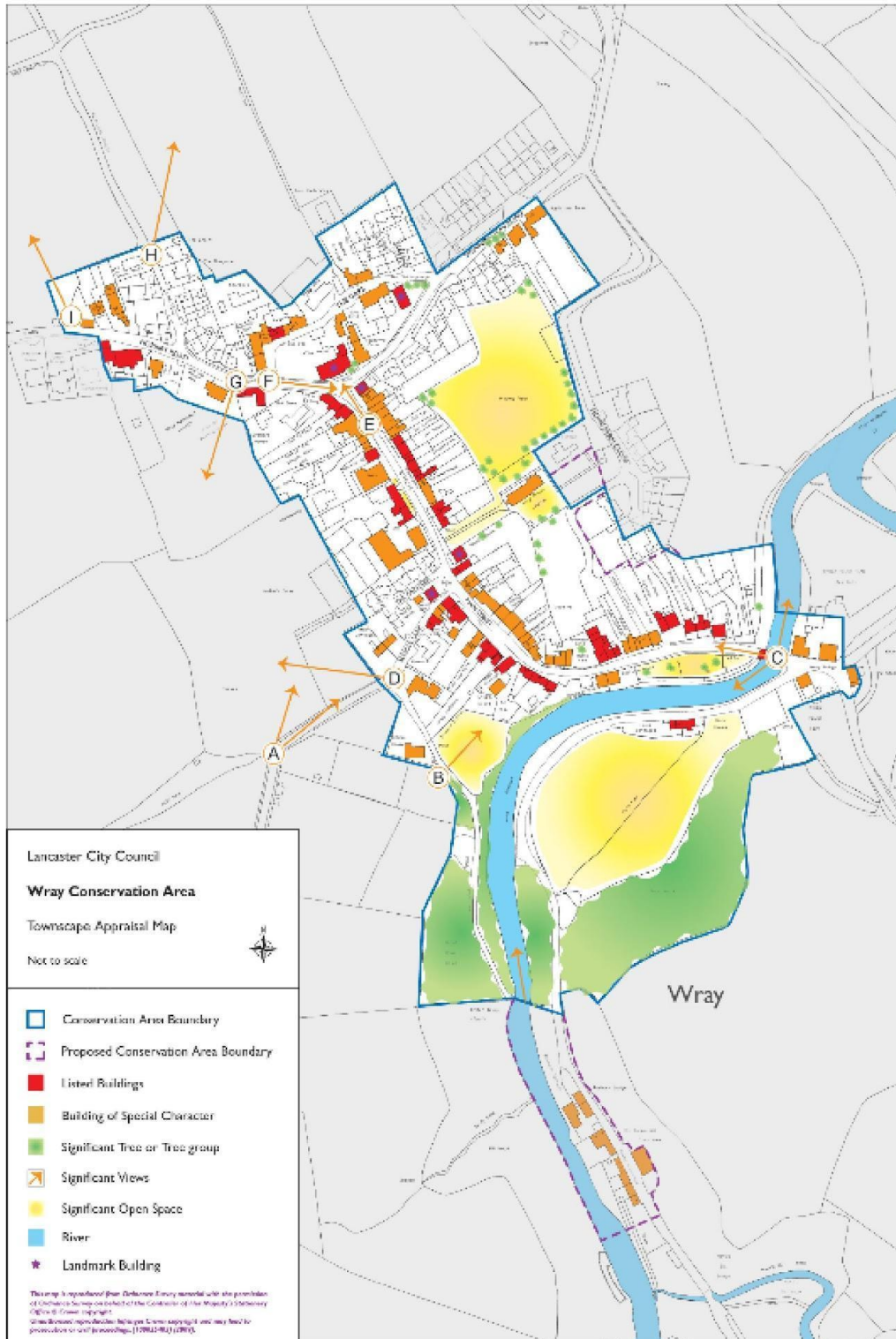
<sup>12</sup> Census, 2011

<sup>13</sup> Census, 2011

<sup>14</sup> Housing Needs Survey Report, 2015

<sup>15</sup> Wray Business Survey, 2015





**Map Wray Conservation Area<sup>16</sup>**

<sup>16</sup> Wray Conservation Area Appraisal (Lancaster City Council December 2009)

## 2.2 Historical context

2.2.1 The name Wray derives from the old Scandinavian word ‘wra’, a nook or corner denoting a remote valley or isolated place. The village was established in about 1200 by the Lord of Hornby Castle, and at that time it was an agricultural settlement:

*A double set of homesteads faced each other across what became the village street, which turned a sharp corner as it approached the Roeburn, and continued downhill to a convenient crossing place at the bottom<sup>17</sup>*

2.2.2 That basic layout on Main Street still forms the heart of the village. In the 17th century local Quakers refused to pay agricultural tithes to the established church, leading the population away from agriculture to industry. By the 19th century the village had become a centre of hat, nail and bobbin making. Many vernacular cottages survive from the 17th and 18th centuries, often identified by prominent date stones, and their close proximity to each other is distinct:

*Its [Wray’s] old appearance can be seen in a village such as Arkholme, a single street of well-spaced yeoman houses. At Wray the spaces were rapidly filled in, a map of the 1770s already showing almost no gaps<sup>18</sup>*

2.2.3 During this time the crossing place, originally a ford, was replaced by a stone bridge (late 18th century). Additional buildings ‘with great architectural pretension’<sup>19</sup> date from the 19th century, and architectural historian Nikolaus Pevsner describes Main Street as ‘a specially pretty village street with the houses as continuous terraces...’

## 2.3 Present character

### 2.3.1 Place

2.3.1.1 The parish is fully contained within the Forest of Bowland AONB and, as would be expected, is strongly characterised by any description of that landscape. As noted in the Housing Needs Survey Report<sup>20</sup>, all the factors used in the designation of the AONB can be seen in different parts of the parish. These include<sup>21</sup> the

- *Grandeur and isolation of the upland core*
- *Steep escarpments of the Moorland Hills*
- *Undulating lowlands*
- *Serenity and tranquility of the area*
- *Distinctive pattern of settlements*
- *Wildlife of the area*
- *Landscape’s historic and cultural associations*

<sup>17</sup> Garnett E. 2002. The Wray Flood of 1967: Memories of a Lune Valley Community. Volume 47, Centre for North-West Regional Studies, Lancaster University

<sup>18</sup> Garnett E, 2002

<sup>19</sup> Wray Conservation Area Appraisal. 2009. Prepared by The Conservation Studio for Lancaster City Council

<sup>20</sup> Housing Needs Survey Report, 2015

<sup>21</sup> Forest of Bowland AONB Management Plan 2014-19

2.3.1.2 Within this, the Wray Conservation Area Appraisal<sup>22</sup> contains considerable detail about what makes Wray a unique village within the AONB: much of it is a designated Conservation Area. Features include its location and setting, historical development, character and appearance, and buildings (e.g. see Box 2.3.1). Particularly relevant to the present document include the

- *Rural setting of the village between [the] Forest of Bowland and the Lune Valley*
- *Distinctive linear village street pattern [i.e. one-deep] with little backland development*
- *Distant views out of the conservation area to surrounding rural landscape, to Hornby Castle and along the River Roeburn*

2.3.1.3 The number of Listed Buildings in the Conservation Area (28) is noted to be high for such a small settlement, and these together with Buildings of Special Character comprise almost all the buildings on Main Street.

#### **Wray Conservation Area Appraisal summary of special interest**

- *Origins as a planned and planted medieval village established as a farming community in the 12th century*
- *Distinctive linear village street pattern with little backland development*
- *Rural setting of the village between [the] Forest of Bowland and the Lune Valley*
- *Located on land rising from the Roeburn valley just west of the confluence of the Rivers Hindburn and Roeburn*
- *Significant number of dwellings that survive from the late-17th to late-19th centuries*
- *Distant views out of the conservation area to surrounding rural landscape, to Hornby Castle and along the River Roeburn*
- *Views of historic buildings within the conservation area, notably landmark buildings such as Wray House and Windsor House which hold prominent positions at the north end of Main Street*
- *Architectural and historic interest of the area's buildings, including 28 listed buildings*
- *Varied townscape of vernacular historic buildings that follow the sinuous curves of Main Street, as it climbs from the valley of the River Roeburn*
- *Prevalent use of locally quarried building stone for walling, roof slates and boundary walls*
- *Features and details that contribute to local identity e.g. small areas of cobbled stone floorscape, decorative date stones and the Queen Victoria Jubilee lamp*
- *The Flood Garden, site of houses demolished in the flood of 1967, wherein lies a commemorative cobblestone mosaic designed by Maggy Howarth*
- *Trees, particularly in the southern part of the conservation area beside the Roeburn and Bank Wood, a steep backdrop to the conservation area*
- *The River Roeburn and Wray Bridge (1780), listed grade II*

<sup>22</sup> Wray Conservation Area Appraisal, 2009

2.3.1.4 To supplement the existing information on the special qualities of the area and to focus on the setting of the village of Wray, a Landscape Appraisal<sup>23</sup> by Alison Farmer Associates was commissioned which reviews previous appraisals and defines eight Local Character Areas. This character assessment helps bridge the current gap between the wider AONB Landscape Character Assessment and the Conservation Area Appraisal. The Landscape Appraisal identifies the special qualities of the village to conserve and enhance and the changes to avoid. The plan showing the village character and analysis is shown on the following page.

### 2.3.2 People

2.3.2.1 Wray village and the surrounding area have a recent history of proactive community development activity, with local people able to look forward and act for the benefit of all. For example<sup>24</sup>:

*Community spirit is a difficult thing to pin down, but everyone agrees that Wray has it more than most villages, and that it has grown over the years in a spiral of cause and effect. Not many places with 500 inhabitants could have generated the Scarecrow Festival and Fair which in a warm May can bring somewhere in the region of 30,000 visitors; and not many could have supported the building, in the year 2001, of two extra classrooms on to a school with fewer than fifty children.'*

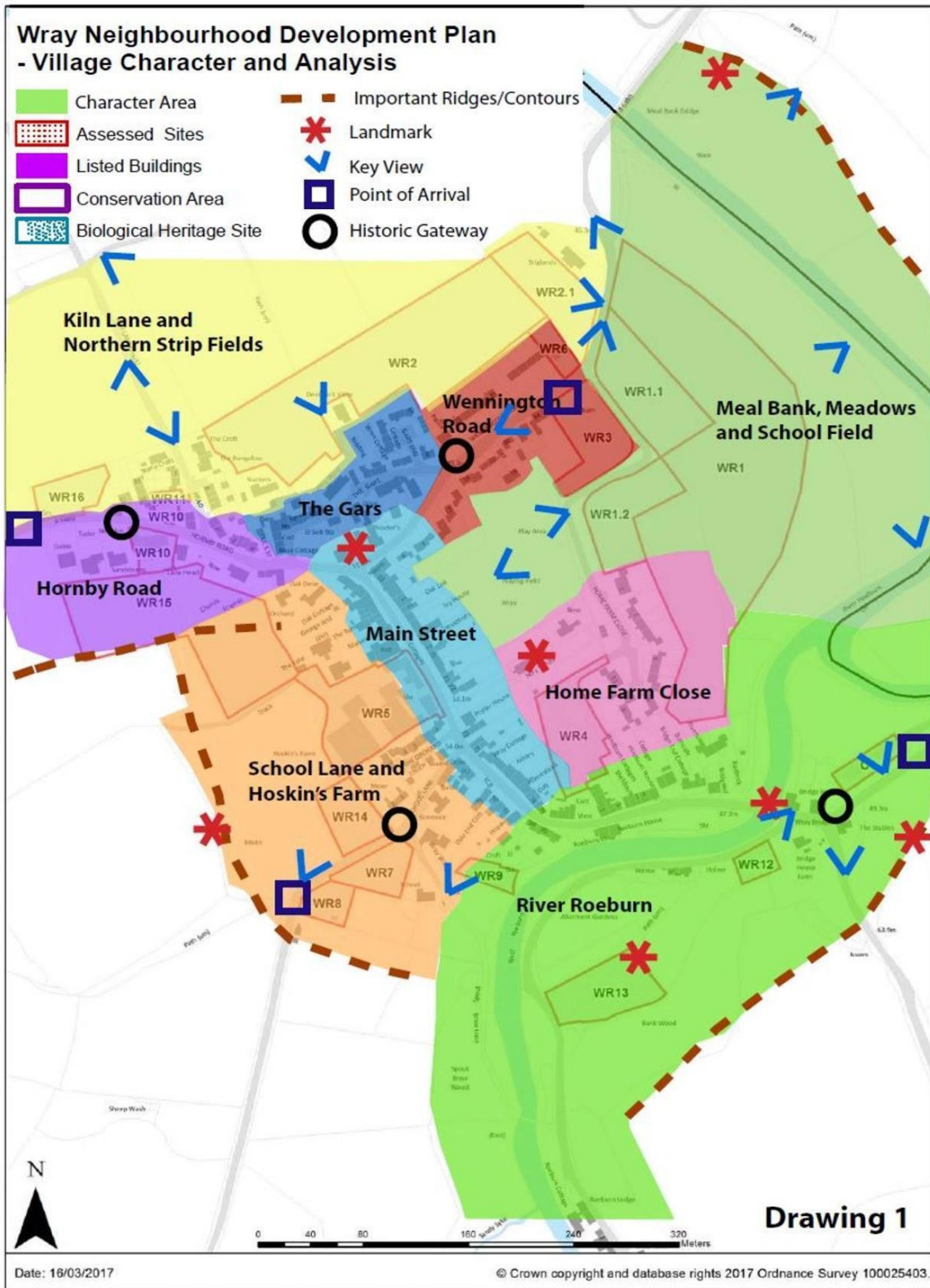
2.3.2.2 More recently, Wray was a key centre in setting up and installing B4RN fibre optic broadband in the rural communities to the east of Lancaster poorly served by the national providers. Local volunteers played an active role in extending the core route from Roeburndale into and through the village. The high take up of connections helped put B4RN on a sound commercial footing, and the network now serves over 5,000 properties in the North West and other areas of England. This development is likely to have contributed to the relatively large proportion of new professional, scientific and technical businesses<sup>25</sup>.

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<sup>23</sup> Wray with Botton Neighbourhood Plan: Landscape Appraisal, Alison Farmer Associates 2017

<sup>24</sup> Garnett E, 2002

<sup>25</sup> Wray Business Survey, 2015



Drawing 1

## 2.4 Planning Constraints

2.4.1 Two plans included at Appendix 4 indicate the most significant constraints in terms of national, county council and district council designations. These include the Forest of Bowland Area of Outstanding Natural Beauty which covers the whole of the Neighbourhood Plan area; the Bowland Fells Special Protection Area which covers a significant area in the south of the Parish; Flood Zone 3 which is of particular importance in the vicinity of the Rivers Roeburn and Hindburn where they pass through the village of Wray, and the Wray Conservation Area.

2.4.2 Immediately adjacent to the east of the village of Wray, a significant area of land is subject to an agreement under S106 of the Town and Country Planning Act 1990 between J R and PD Holt (the land owners), Lancaster District Council, G & J Developments and National Westminster Bank plc. A copy of the agreement is included at Annex 3 to Appendix 3 Site Selection and Assessment. Under the agreement, the land owners undertake not to erect any further dwellings or replacement agricultural buildings on the agricultural land beyond the development of 8 dwellings on the east side of what is now Home Farm Close. The area concerned is shown on the Proposals Map Sheet 2 Inset Plan Wray Village.

2.4.3 The Parish Council requested that the agreement was negotiated due to the importance it attached to this area of historic meadowland sloping down to the river flood plain and its landscape value in establishing the setting of the village of Wray. Together with historic meadowland and strip fields to the north of the village, the agreement illustrates the importance the Parish Council has accorded to the conservation of the landscape and will continue to accord when it comes to the determination of local planning applications.

## Section 3 VISION AND OBJECTIVES

### 3.1 Vision

3.1.1 The vision for the Wray with Botton Neighbourhood Plan needs to reflect and supplement the AONB Management Plan vision, the Local Plan vision and national policy<sup>26</sup>, as well as the evidence gathered from consultation with the local community. Based on engagement with the Community and the key issues identified, Wray with Botton Neighbourhood Development Plan's Vision for 2031 is as follows:

Development will be managed in the Neighbourhood Plan area in a way that meets the needs of the local community allowing them to continue to live, work and enjoy a high quality of life in an area that creates a strong sense of place.

Wray with Botton will support high-quality sustainable development to meet local needs which enhances the local distinctiveness of its character and respects its setting within the landscape of the Forest of Bowland AONB.

Sustainable development will be managed within the Parish for the benefit of its residents, businesses and wildlife, maintaining and enhancing its character and respecting its setting within the landscape. Agriculture and wild places will remain valued features of local life.

Success will mean Wray with Botton continues to be a small, vibrant, rural community encouraging prosperity for residents and local businesses alike whilst conserving its natural assets.

### Reasoned Justification

3.1.2 The vision has been subject to much discussion both within the neighbourhood planning group and the wider community through consultation. It encompasses the key strands of local distinctiveness and the established high quality of life created by a vibrant community living in harmony with its special surroundings. The community supports sustainable development provided it will enhance and not harm the strong sense of place.

### 3.2 Objectives

3.2.1 To achieve this Vision, the following Objectives should be met:

(I) Development conserves and enhances the existing built environment and the landscape of the Forest of Bowland AONB in terms of its character, heritage and scale

(II) Development is designed to a high standard, and within the village of Wray to sustain and enhance the Conservation Area at its core

<sup>26</sup> See Appendix 1 for details

(III) The local housing needs are met by providing homes of the right type, size and tenure in the most suitable places

(IV) Priority is given to new development on previously developed land and the reuse of existing buildings

(V) Local suitable business initiatives for live/work, agricultural diversification and small-scale facilities for tourism and enterprise are encouraged and strengthened

(VI) Development safeguards and enhances the natural environment, preserving wildlife habitats and green spaces, and respecting the importance of the setting within the AONB

(VII) Development supports and enhances leisure, cultural and sporting activities within the Parish

(VIII) Parking and pedestrian, cycle and equestrian routes are improved to promote safety and community well-being for access to local services and leisure

### Reasoned Justification

3.2.2 As is the case for the vision, the objectives for the Wray with Botton Neighbourhood Plan need to reflect and supplement national policy, the objectives of the Forest of Bowland AONB Management Plan, the Local Plan, national policy and the evidence gathered from consultation with the local community. The objectives expand on the vision, giving it substance and showing how it will be achieved. In turn, the objectives lead on to the specific policies which will deliver them.

3.2.3 Objectives (I) and (II) establish the overall strategy putting the emphasis on development which is compatible with the aims and objectives of the Forest of Bowland AONB and ensuring that the main settlement of Wray maintains its local distinctiveness.

3.2.4 Objectives (III) and (IV) seek to deliver the housing needs of the area in a sustainable way making best use of previously developed land and existing buildings in the same way that has helped the village grow in the past in a way which maintains the strong sense of place and community cohesion.

3.2.5 Objective (V) seeks to support a strong rural economy seeking innovation and encouraging diversification to meet changing times.

3.2.6 Objective (VI) recognises the adverse impacts that can occur where development fails to take account of its surroundings and sets a high value on the natural assets which support the designation of the Forest of Bowland AONB.

3.2.7 Objective (VII) refers to the leisure, cultural and sporting activities of the area. These are many and varied from athletics to shooting, the scarecrow festival, community-led societies, active places of worship and places to relax and enjoy social company. They



take place in a wide variety of community assets and places. The objective aims to support their retention and enhancement wherever possible.

3.2.8 Whilst recognising that significant improvement of public transport or highway infrastructure is unlikely, nevertheless there is the potential to encourage small scale improvements particularly to reduce the conflict between non-motorised users and vehicles within the village of Wray and to improve the footpath and cycleway network to promote safety and community well-being. Objective (VIII) seeks to support this.

## Section 4 POLICIES AND GUIDANCE

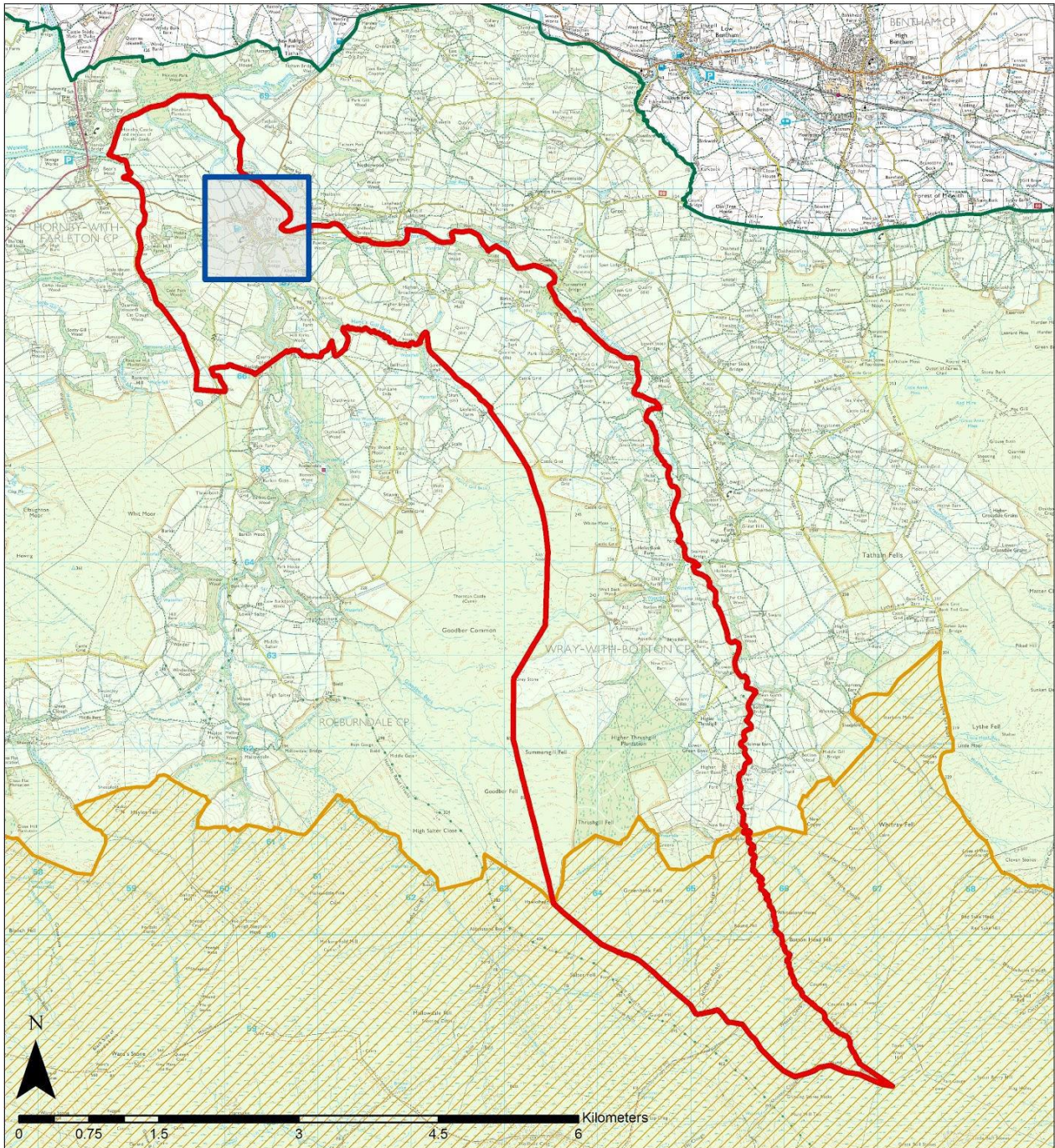
### 4.1 Policy Development

4.1 The Neighbourhood Plan Group developed policies by looking at each of the identified objectives in turn and considering the extent to which additional planning policies, allocations and guidance over and above those already in the existing Lancaster City Development Plan, the emerging Local Plan and the Forest of Bowland Management Plan, could help achieve them. It then drafted policies accordingly, consulting with Lancaster City Council's planning officers to ensure that the wording would be as effective as possible.





### 4.2 List of Policies & Proposals Maps

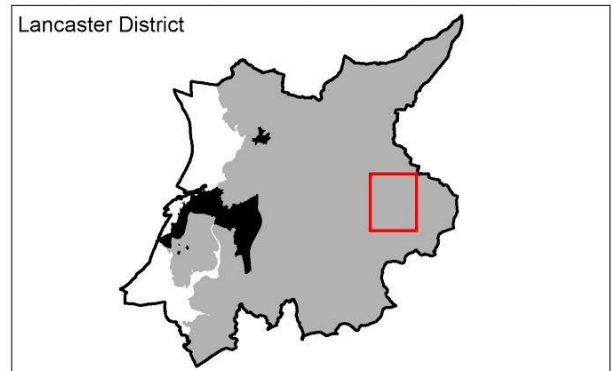
	Policy Name
<b>Reference</b>	<b>OVERALL STRATEGY</b>
<b>OS1</b>	DEVELOPMENT STRATEGY
<b>OS2</b>	LANDSCAPE
	<b>BUILT ENVIRONMENT</b>
<b>BE1</b>	DESIGN
	<b>HOUSING</b>
<b>H1</b>	HOUSING DEVELOPMENT
<b>H2</b>	HOUSING PROVISION
	<b>RURAL ECONOMY</b>
<b>RE1</b>	ECONOMIC DEVELOPMENT
	<b>NATURAL ENVIRONMENT</b>
<b>NE1</b>	CONSERVATION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT
<b>NE2</b>	LOCAL GREEN SPACE
<b>NE3</b>	HISTORIC ENVIRONMENT
	<b>COMMUNITY</b>
<b>COM1</b>	COMMUNITY ASSETS AND LOCAL SERVICES
	<b>TRANSPORT AND INFRASTRUCTURE</b>
<b>TRA1</b>	INFRASTRUCTURE FOR NEW DEVELOPMENT

The following Proposals Maps show which areas of land have been allocated for which uses and provide a visual representation of the plan policies.



**Proposals Map**  
 Sheet 1: Wray with Botton  
 Neighbourhood Plan Area

-  Wray with Botton Parish Boundary
-  Sheet 2 Extent
-  Bowland Fells Special Protection Area
-  Forest of Bowland AONB



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**Proposals Map**  
Sheet 2 Inset Plan Wray Village

**Legend**

Wray NPA Boundary

**Allocated Sites**

Housing Allocations  
 Housing Commitments

Local Green Space  
LG1 - School Field  
LG2 - Flood Gardens

**Constraints**

Key Views  
 Listed Buildings  
 Conservation Area  
 Section 106 Agreement  
 Flood Zone 2  
 Flood Zone 3  
**Public Rights of Way:**  
 Bridleway  
 Footpath

Community Assets

1. Wray-with-Botton Endowed Primary School
2. Wray Institute
3. Wray Holy Trinity Church and its Grounds
4. Wray Methodist Chapel and its Grounds
5. Former Friends Meeting House and Grounds
6. Post Office and Village Shop
7. The George and Dragon Public House
8. Wray Pre-School Forest School
9. Allotments
10. Bridge House Tea Rooms and Garden Centre

Map produced by Lancaster City Council © Crown copyright and database rights 2019 Ordnance Survey 100025403.



### 4.3 Overall Strategy

4.3.1 A key reason for preparing the Neighbourhood Plan is to place development more clearly in the context of the primary purpose of the Forest of Bowland AONB - to conserve and enhance the natural beauty of the area - and to put this purpose at the heart of planning within the plan area. The first two policies aim to establish this purpose at the heart of the overall approach.

#### **Policy OS1: - Delivering Sustainable Development**

A landscape capacity-led approach to development will be taken in the Neighbourhood Plan area. Great weight will be given to the principle of conserving landscape and natural beauty, wildlife and cultural heritage in the AONB.

All development should be sustainable, consistent with the primary purpose of AONB designation<sup>27</sup> and support the Special Qualities of the AONB as set out in the AONB Management Plan.

#### **Development within the village of Wray<sup>28</sup>**

To promote a vibrant local community and support services, small scale growth and investment will be supported within the village of Wray where it closely reflects identified local needs and conserves and enhances the local landscape and settlement character, historic environment, heritage assets and their settings.

#### **Development on the edge of and outside the village of Wray**

Development proposals on the edge of and outside the village will be treated as exceptions and will be permitted only where they demonstrate that:

- (I) there would be no adverse impact on the historic environment, heritage assets and their settings, or landscape character, and that:
- (II) there is an essential need for a rural location: or
- (III) it will help to sustain an existing business, including farm diversification schemes; or
- (IV) it contributes to the meeting of a proven and essential housing need in that location;

<sup>27</sup> As set out in the National Parks and Access to the Countryside Act 1949; confirmed by Section 82 of the Countryside and Rights of Way Act 2000:

- The primary purpose of the designation is to conserve and enhance natural beauty
- In pursuing the primary purpose of the designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities. Particular regards should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- Recreation is not an objective of the designation but the demand for recreation should be met insofar as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

<sup>28</sup> For the purposes of this Plan the village of Wray is defined by existing development accessed from Main Street, Wennington Road, Hornby Road and Millhouses Road to the village boundary signs (not Parish boundary), The Gars and Gars End, Lane Head and Kiln Lane to the edge of development, Duck Street, Home Farm Close, The Orchard, School Lane to the village boundary sign, Helks Brow from its junction with Main Street for a distance of about 50m and Harterbeck from its junction with Main Street as far as Hunts Gill. Agricultural land adjacent to these streets is excluded unless otherwise identified as an Allocated or Suitable Site for housing in this Neighbourhood Plan.

or

(V) it represents a sensitive and appropriate reuse, redevelopment or extension of an existing building.

### **A landscape-capacity led approach**

4.3.2 The primary purpose of the AONB designation is to conserve and enhance the landscape and natural beauty of the area. It is therefore entirely appropriate that the Development Strategy identifies a landscape-capacity led and criteria-based approach to development consistent with this primary purpose and the Forest of Bowland AONB's Special Qualities. A strategy that did not put the conservation and enhancement of the landscape central to the approach to development would compromise the primary purpose and undermine the national designation and the value of the AONB in the national interest. Where a development proposal would create conflict between the primary purpose of the AONB and other uses of the AONB, greater weight will be attached to the purpose of conserving and enhancing the landscape and natural beauty of the AONB.

4.3.3 Within the Neighbourhood Plan area, the landscape-capacity led approach will enable the village of Wray to meet its local development needs and those of the wider Parish while continuing to conserve the natural beauty, character and Special Qualities of the AONB. The Neighbourhood Plan recognises the need for new development, especially housing, to maintain a thriving local community. It allocates sufficient land for housing to meet its local needs and sets out policies to manage applications that may come forward on unallocated sites to ensure that development contributes to the social, economic and environmental sustainability of the Neighbourhood Plan Area.

### **Objectively Assessed Needs**

4.3.4 An important part of Lancaster City Council's District-wide plan preparation is the identification of objectively assessed housing needs (OAN). This includes needs for affordable housing, but also any needs for other housing types, including open market housing. When the Local Plan is submitted for examination, the Government Inspector will consider very closely whether and how it is meeting evidenced needs. Although Lancaster City Council District is refining its identified level of need, the figure represents the position across the whole of the District. It is difficult to apportion a figure specific to either the area of the AONB within Lancaster City or the Parish of Wray with Botton. OAN calculations are district-wide assessments and there are difficulties in calculating an OAN for smaller areas such as individual parishes.

4.3.5 Given the difficulties in apportioning the OAN, and the emphasis on the capacity of the landscape to accommodate development within the AONB, Lancaster City and South Lakeland District Councils have concluded, taking advice from relevant Counsel and organisations such as the Planning Advisory Service, that it is not necessary to identify a specific housing requirement for the Arnsdale and Silverdale AONB. In the AONB, the priority should be to meet identified affordable and other local housing needs within the capacity of the landscape. Similarly this same reasoning can be applied to development within the Forest of Bowland AONB and has been adopted for the purpose of this Neighbourhood Plan.

4.3.6 A Housing Needs Survey<sup>29</sup> was carried out as part of the preparation of this Neighbourhood Plan. All households were given the opportunity to take part and an excellent 58.6% return was achieved. The survey found that the main affordable need for the 5 year period to 2020 is for 1 or 2 bed houses to buy at discounted prices (4 units) followed by 3+ bed houses to buy at discounted prices (2 units) and Sheltered Housing (1 unit for rent and 1 unit to buy at a discounted price) and 1 requirement for a 3+ bed house to rent. Other needs identified could be met on the open market. Whilst it will be necessary to review and revise this information periodically over the course of the 15 year plan period, it was concluded that there was no pressing demand within the parish for significant numbers of new dwellings. The implementation of existing planning permissions (10 dwellings) and the opportunities for further infill in the village of Wray over the plan period would be likely to provide sufficient dwellings to meet local need and make a contribution towards growth and needs identified in the Lancaster City District as a whole.

4.3.7 In line with the landscape-capacity led approach, no target has been set for the amount of development to be achieved as this would require a particular quantum of development to be delivered regardless of its impacts upon the protected landscape. Instead, the Development Strategy ensures that only development that can be accommodated without harm to the AONB's primary purpose will be permitted, whilst maintaining a positive approach, recognising that appropriately located and designed development can contribute to conserving and enhancing the landscape and settlement character, including where opportunities for regeneration and redevelopment can be delivered.

### Major Development

4.3.8 National planning policy does not allow major new development in Areas of Outstanding Natural Beauty except in exceptional circumstances, because of the likely harm it would cause to the nation's long-term interest of conserving these places. Proposals are subject to the most rigorous examination and have to demonstrate that they are genuinely in the nation's interest if they are to proceed.

4.3.9 Whether a proposed development constitutes major development will be a matter for the relevant decision taker. Major development in the Neighbourhood Plan Area is defined as development that has the potential to have a serious adverse impact on the landscape, wildlife, cultural heritage or Special Qualities of the AONB because of its scale, form, character or nature. Examples may include quarrying, medium and large scale housing development, commercial development that is out of keeping with the landscape, caravan sites, new roads, tall vertical structures and high voltage overhead power lines. The intimate nature of the AONB landscape means that even smaller-scale development proposals may be considered to be 'major' depending on the context. Development may have the potential to have a significant impact on the qualities of an AONB whether it is located inside or adjacent to its boundary.

4.3.10 The majority of development proposals in the AONB are modest in scale. However, it is important that where proposals for larger developments are put forward, they are properly and fully considered in line with national policy and in the context of the AONB

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<sup>29</sup> See Appendix 2: Housing Needs Survey Report 2015



designation.

4.3.11 The redevelopment of a brownfield site may offer opportunities to enhance the AONB, and may often be preferable in other ways to the development of greenfield sites. However, brownfield status is one factor to be taken into account amongst many, including in the context of making judgements about whether a proposal constitutes major development, and does not provide justification to ignore or reduce the weight given to policy requirements or factors such as the landscape impacts of the specific proposals, the biodiversity value of the brownfield site, or the historic environment, heritage assets and their settings.

### **Policy OS2 - Landscape**

Development proposals will be required to demonstrate how they conserve and enhance the landscape and natural beauty of the area. Proposals should not have an adverse effect upon the landscape character or visual amenity of the AONB or its setting.

Development proposals will be supported where they:

(I) take into account the AONB Landscape Character Assessment, and other relevant evidence including but not limited to the Wray Conservation Area Appraisal, and the Wray with Botton Neighbourhood Plan Landscape Appraisal; and

(II) reflect the rural nature, historic character and local distinctiveness of the area including settlement character and separation, local vernacular traditions and building materials and native vegetation/planting; and

(III) respect visual amenity, views within, into or out of the Neighbourhood Plan Area (including but not limited to those shown on the Proposals Map), tranquility, dark skies, and the sense of space and place, avoiding the introduction of intrusive elements, or compromise to the skyline or settlement separation; and

(IV) take full account of the cumulative and incremental impacts of development having regard to the effects of existing developments (including unintended impacts and impacts of development that has taken place as a result of Permitted Development Rights, licensing or certification) and the likely further impacts of the proposal in hand; and

(V) include a landscape assessment; the level of detail of which should be proportionate to the scale of the proposal and the level of impact of the proposed development on the landscape. For larger or otherwise more sensitive sites or schemes, this will require a Landscape and Visual Impact Assessment (LVIA) undertaken by a qualified professional to Landscape Institute standards, showing how impacts may be minimised or mitigated.

4.3.12 The Forest of Bowland AONB benefits from the highest status of protection in relation to landscape and scenic beauty and great weight will be given to conserving the landscape in considering development proposals. The southern area of the Neighbourhood Plan Area includes the Bowland Fells Special Protection Area (SPA), an internationally designated site. Any development proposals which could impact on this site will be subject to the requirements of Policy DM27: The Protection and Enhancement of Biodiversity in the Local Plan for Lancaster District 2011-2031 Development management DPD or its successor policy in the emerging Local Plan.

4.3.13 The Forest of Bowland was designated as an AONB in recognition of its landscape attributes characterised by the grandeur of the upland core; the steep escarpment of the Moorland Hills; the undulating lowlands; the visual contrasts between each element of the overall landscape; the serenity and tranquility of the area; the distinctive pattern of settlements; the wildlife; and the landscape's historic and cultural associations. Although it forms only a portion of the overall AONB, Wray with Botton Parish includes many of these characteristics. The Wray with Botton Neighbourhood Plan Landscape Appraisal includes a detailed analysis of setting of the village and identifies eight local character areas around the village of Wray which help to create a picture of the distinctive places within the existing settlement and how they relate to the adjacent land. This appraisal forms the basis of individual site assessment to determine the sensitivity of each area and its capacity to accommodate housing growth in the context of the village and its setting.

4.3.14 'Natural Beauty' is not just an aesthetic concept and 'landscape' means more than just scenery. The landscape and natural beauty of AONBs is partly due to nature, and is partly the product of many centuries of human modification. Landscape encompasses everything - 'natural' and human - that makes an area distinctive: geology, climate, soils, plants, animals, communities, archaeology, buildings, the people who live in it (past and present) and the perceptions of those who visit it.

4.3.15 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. 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.

4.3.16 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 Landscape Character Assessment and the Wray with Botton Neighbourhood Plan Landscape Appraisal) 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.

4.3.17 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.

4.3.18 The land at the edge of settlements often forms part of the historic setting of the settlement and can include areas which have cultural importance. Public rights of way can often provide access to these areas and connections to the open landscape of the AONB beyond. They provide key opportunities for green infrastructure in addition to shaping and

maintaining settlement character.

4.3.19 Development has the potential to introduce intrusive and jarring elements into the landscape resulting in adverse impacts on views and visual amenity. How a site, feature, building or view is seen, fitting in with its surroundings, and enjoyed in that context is very important within the AONB. This is a highly valued aspect of the AONB by local residents and is the reason why many visitors come to the AONB. 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.

4.3.20 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 drawing up proposal/considering proposal in principle (i.e. subject to all other considerations). If no, modify or refuse permission.

4.3.21 A 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.

4.3.22 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.

4.3.23 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. Proposals will be supported where they remove elements that adversely affect the landscape, such as overhead cables.

## 4.4 BUILT ENVIRONMENT

4.4.1 The character of the village of Wray is strongly linked to the surrounding landscape. Settlement character is not only shaped by the landscape through use of local materials and topography but also contributes to the landscape through influences of style, construction methods, form, scale, layout and pattern. In order to serve the purpose of both the AONB designation and the Wray Conservation Area, it is crucial to continue this mutual relationship, ensuring that the design of new development contributes fully to conserving and enhancing the landscape and settlement character.

### Policy BE1 - Design

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

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

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

4.4.2 The distinctive settlement character of the village of Wray lying within the AONB makes an important contribution to its overall character. The overall ambience is greatly dependent on the quality and distinctiveness of the built environment. The design, construction, materials and detailing of individual buildings, the form, layout and pattern of

the village and other hamlets and the settings of many of the buildings are key elements of settlement character. The use of local stone underpins the natural beauty of the Neighbourhood Plan area and unifies its character, in turn with other settlements in the Forest of Bowland AONB making a major contribution to its special character.

4.4.3 Certain aspects of settlement character derive from their history, such as village layouts and the shapes of individual plots. Wray village is essentially a 'one deep' layout based on the 'T' shape formed by Hornby/Wennington Road running east/west and Main Street running north-south. This linear pattern is typically high density but affords many properties views towards the surrounding landscape. Nevertheless due to the topography, the village is barely seen from a distance, nestling in the steeply wooded valleys of the rivers Roeburn and Hindburn. New development should respect and be in keeping with historic settlement character.

4.4.4 Open green spaces within settlements are an important aspect of settlement character. They can contribute to the setting and appreciation of important buildings and have historical significance in themselves, either as part of historic settlement pattern and form or as an archaeological resource. They can also allow public views in to or out from within the settlement and can provide a recreational resource for the local community. Open spaces add distinctiveness to the character and interest of settlements and the quality of life of their inhabitants and are a key part of the rural character of Wray village.

4.4.5 Local distinctiveness and visual harmony between buildings and the local topography is important within the Neighbourhood Plan Area as it is in the Forest of Bowland AONB as a whole. This is very important in the visual appeal of the landscape and built environment and is valued by the public - both residents and visitors to the AONB.

4.4.6 Gradual erosion of local distinctiveness and visual harmony can occur unless there is careful control of design and materials. Use of local and appropriate materials to ensure new development is in keeping with the local surroundings is essential. There are strong vernacular traditions in the area including the design, materials, construction and detailing of individual buildings and these should be retained and reflected in new development. The risk of a gradual erosion of settlement character needs to be carefully considered in any assessment of development proposals.

4.4.7 The grouping of buildings, use of local building materials, road and footway surfaces, signs and lighting apparatus, all affect the character and quality of the street scene.

4.4.8 To sustain character and quality, development should reflect traditional materials, styles and proportions. For proposals affecting the street scene, the following factors are important:

(I) retaining traditional surfaces and layouts, or reintroducing them;

(II) ensuring that the scale, texture, colour and patterns of new materials are sympathetic to the area's character and appearance;

(III) retaining or reinstating street furniture of historical or architectural interest or of local distinctiveness;

(IV) ensuring that road signs and markings are of appropriate appearance and quality, with no unnecessary duplication, and fixed, where possible and appropriate, to buildings or existing street furniture;

(V) using lighting equipment that reflects established local styles, and which is not excessive or unsympathetic in intensity and colour.

In order to ensure that settlement character is conserved and enhanced, it is important to understand the specific character of the village of Wray. This is set out very clearly in the Wray Conservation Area Appraisal and the Wray with Botton Neighbourhood Plan Landscape Appraisal Final Report to which reference should be made in considering all planning applications.

#### **COMMUNITY ACTION 1: Local Design Panels<sup>30</sup>**

Where Local Design Panels are made use of at the pre-application stage as required under certain circumstances by Local Plan<sup>31</sup> Policy DM 35: Key Design Principles or its successor policy in the emerging Local Plan, these Panels should include Members of Wray Parish Council and/or their representatives as well as representatives appointed by the Forest of Bowland AONB Joint Advisory Committee.

4.4.9 The Parish Council is, under the Localism Act, a statutory planning body and has taken the opportunity offered to it under the Act to produce this Neighbourhood Development Plan. It has also been a consultee on planning applications for many years. As such the Parish and members of the Neighbourhood Planning Group along with other volunteers have not only shown considerable concern about the area but have become familiar with planning policy and procedures which they have combined with their intimate knowledge of the Parish to gain a clear appreciation of how the Parish in general and the village of Wray in particular has been or could be affected by planning policy and decisions. Furthermore, while many visitors and thereby the economy of the AONB would be affected by adverse development in the Parish, it is the people of Wray who would be most affected by such decisions.

4.4.10 The Parish of Wray with Botton have identified in this plan the role of Wray as being one that contributes to the AONB and the wider economy through its heritage and the quality of its unique townscape and landscape and have identified themselves as having a role (along with others such as landowners, AONB, Council and others) as custodians of the Parish's townscape and landscape. As such, if, in those circumstances outlined in Policy DM35, a Local Design Panel is to be used, then that Panel should have representation from the Parish and, where they feel technical help might be appropriate, their representatives.

<sup>30</sup> Community Actions are not land use policies but are rather aspirations of the Parish Council on behalf of the community

<sup>31</sup> A Local Plan for Lancaster District 2011-2031: Development Management DPD Adopted December 2014  
Referendum Version - January 2019

## 4.5 HOUSING

### Policy H1: - Housing Development

Proposals for meeting housing needs through the conversion or sub-division of existing buildings, or on previously developed land and on allocated sites within the village of Wray listed below that have been identified through the Site Assessment process will be supported where they are of a scale, siting and design that is compatible with the area as outlined in Policy BE1 of this Plan.

Subject to the assessment of viability, new housing development will be supported where the maximum possible affordable homes are delivered and where the number, size, types and tenures of all homes provided demonstrably reflects and meets identified local needs in accordance with current housing needs evidence at the time of application.

Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect the settlement character.

Housing developments shall take account of the Key Development Considerations set out in Appendix 3 on Site Selection and Assessment and the recommendations in Appendix 11 on Heritage Impact Assessment. The Key Development Considerations for allocated sites without planning permission<sup>32</sup> are as follows:

### Key Development Considerations

#### Site WR5

1. Retain agricultural character of buildings and entrance into the site off Main Street and avoid elements and detailing which create a sense of 'domestication';
2. Ensure appropriate landscaping and boundary treatment at the edges of the site;
3. Take care in the design and choice of materials for the roof-scape;
4. Ensure that any new building layout in western half of the site reflects the character of the village and small courtyard developments behind the Main Street.

#### Site WR9

1. Ensure that the height of new buildings is kept low and in proportion with those buildings adjacent and do not block views to the wider village from Sprout Brow Lane;
2. Ensure that new development reflects the local vernacular and is high quality ensuring that views from Main Street are considered when determining building design, height, orientation and layout;
3. Retain as many trees on the boundaries of the site as possible and ensure that the south eastern boundary is well treed, forming an appropriate interface with the River Roeburn.

<sup>32</sup> Sites WR3, WR6 and WR10 already have planning permission.

**Site WR11**

1. Care should be taken to ensure new development relates well to Lane Head strengthening the character and definition of space along this lane;
2. New built form should reflect traditional building styles and use of materials and form a transition from the oldest buildings along Hornby Road to the more modern development along Lane Head;
3. Consideration should be given to site layout ensuring that it contributes to the street scene when viewed from Hornby Road

**Allocated Sites**

Site Reference	Name	Area	Estimated Dwellings
WR3	Appletree Barn & Paddock	0.34 ha	5 <sup>33</sup>
WR5	Hoskins Farm	0.54 ha	15
WR6	Adj 45 Wennington Road	0.03 ha	1 <sup>34</sup>
WR9	Old Chapel Field	0.08 ha	2
WR10	New Inn	n/a	4 <sup>35</sup>
WR11	New Inn Car Park	0.03 ha	1

4.5.1 The background to our approach is based on what has worked best in practice in the past - incremental growth with no large scale development other than Hoskins Farm. The local housing needs survey indicated a current maximum requirement for up to 9 affordable homes to buy or rent. It is recognised that the level and mix of local housing need will need to be regularly reviewed and updated, and also that some of the current need may change and/or resolve itself (for example if new households are formed or if people leave the Parish to take up work opportunities elsewhere). This policy is also driven by the need to avoid encroachment on the surrounding countryside; to conserve the setting of the village in the landscape; to minimise harmful visual impact of development on the Forest of Bowland AONB and the Wray Conservation Area; and, to conserve important views into and out of the Wray Conservation Area. Wray 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 Publication versions of the emerging Strategic Policies and Land Allocations DPD and the Arnside & Silverdale AONB DPD.

<sup>33</sup> Planning permission already granted Refs 14/01134/FUL & 15/00087/OUT

<sup>34</sup> Planning permission already granted Ref 15/01443/FUL

<sup>35</sup> Planning permission already granted Ref 14/01088/CU (number includes an existing disused cottage)



The latest District housing needs study is not broken down to parish level, and with three times the response rate due not least to our ability to deliver and collect surveys in person, the Parish Council is confident that its local surveys do and will continue to supply the fine-grained level on need that is required to inform development decisions in a sensitive AONB area.

4.5.2 The historic rate has averaged about 1 to 2 properties each year since the 1940s. A similar approach would result in 15 to 30 new homes over the plan period of which 4 at the New Inn, 5 at Appletree Barn and 1 adjacent to 45 Wennington Road have planning consent. A new house has been completed recently behind The Gars which continues this historic trend.

4.5.3 The most significant site identified to come forward in the plan period will be Hoskins Farm where the owner has indicated<sup>36</sup> that the site could come forward for development within 5 to 10 years time. Being in the heart of the village, a well-designed scheme would be expected to conserve and enhance the Wray Conservation Area and the listed buildings both on the site and nearby. Development of the site also has the potential to release land to provide a limited amount of off-street parking for community use.

4.5.4 It may be necessary to offset the loss of the agricultural buildings in the settlement area to some extent with agricultural related development outside the settlement area in order to maintain the agricultural function of the surrounding fields in which case such development should be of an acceptable design and scale. Such proposals would need to meet the definition of purpose (I)<sup>37</sup> of Local Plan Policy DM7: Economic Development in Rural Areas or its successor policy in the emerging Local Plan and that the development has regard to Policy BE1 of this Plan and to the provisions in paragraph 115<sup>38</sup> of the NPPF.

4.5.5 The City Council commissioned a report<sup>39</sup> to examine the potential for introducing the Community Infrastructure Levy (CIL) which concluded that CIL could be levied on small and medium sized developments on both brown and greenfield sites in high value areas of the district. Wray, in common with most areas of the Lune Valley falls within the higher value area and it is therefore a reasonable assumption to make that new housing would in principle be economically viable on all the Allocated Sites including Hoskins Farm and that opportunities to pursue issues such as affordable housing can be achieved. This view was confirmed by a Lancaster City Council Planning Officer<sup>40</sup> during the preparation of this plan.

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<sup>36</sup> Letter to Lancaster City Council from John & Pat Staveley 3 September 2016 and email 26 November 2018 in response to Pre-submission consultation

<sup>37</sup> Essential operations for agriculture, horticulture, equine related activities, allocated mineral extraction or waste management facilities and essential infrastructure where there is a proven and justified need.

<sup>38</sup> Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and the Broads.

<sup>39</sup> Community Infrastructure Levy-Economic Viability Assessment GVA Sept 2012

<sup>40</sup> Email dated 16 May 2017 from Paul Hatch (LCC) to Robert Partington (NPG)

4.5.6 The overall increase in the number of homes in and around the village of Wray would therefore be about 28 over the plan period, representing an increase of about 13% of the 222 households identified in the 2011 census. This does not include windfall sites or potential proposals centred on the farmsteads and agricultural buildings spread over the remainder of the Parish. These will be considered on a case by case basis, and expected to meet the policies and achieve the objectives set out in this Neighbourhood Plan. Subject to detailed design considerations and all other relevant planning policies, the Parish considers that this potential increase can be satisfactorily accommodated within a landscape capacity approach to development within the Forest of Bowland AONB.

### **POLICY H2: - Housing Provision**

Within the Neighbourhood Plan area, subject to satisfying other relevant policy requirements and in order to ensure that new development in the AONB meets local needs, proposals for new housing development should deliver affordable housing in accordance with the adopted Local Plan policy on affordable housing, taking into account the assessment of viability of the development. Only where this is demonstrably unachievable through available mechanisms will a lower percentage be acceptable.

Priority will be given to the delivery of affordable housing and maximising the potential for meeting identified local needs and local affordable needs from appropriate individual development opportunities.

Subject to meeting other policy requirements, proposals will be supported that meet the needs of specific societal groups or to those with a local connection.

4.5.7 Affordable housing needs are forecast to apply over a period of time and not all the identified need is required straight away. The delivery of affordable housing should be in line with demand to ensure that the market is not over-supplied at any time. This can be done by close working with and between housing developers, landowners and appropriate Registered Providers of affordable housing.

4.5.8 A requirement for 50% of new homes to be affordable is justified because the Neighbourhood Plan Designated area lies wholly within the AONB, a sensitive landscape protected at a national level. It is inappropriate to use those sites that are suitable for development to deliver development that does not meet local affordable or other local needs. Doing so would mean that those needs would remain unmet and more sensitive sites would have to be developed in order to meet the needs, causing harm and compromising the primary purpose of the AONB designation.

4.5.9 Existing policies and legal conditions mean that all affordable housing is already restricted to those with a local connection in perpetuity. There is no evidence to suggest that there is a high proportion of second homes and holiday lets that would justify additional occupancy restrictions where this type of approach may also increase viability concerns. Therefore this plan does not set out any proposal to restrict the occupancy of new properties other than the existing restrictions placed on affordable housing.

4.5.10 This policy is supported by the City Council's Publication version of the emerging

Local Plan: Review of the Development Management DPD (February 2018), Policy DM6  
Housing Provision in the Forest of Bowland AONB.

4.5.11 The policy will be used to address potential future applications on non-allocated sites.

## 4.6 RURAL ECONOMY

### **Policy RE1: - Sustainable Economic Development**

Development proposals of an appropriate scale and nature will be supported where they bring economic and community benefits to the Neighbourhood Plan area within the Forest of Bowland AONB, including economic diversification, for the following purposes:

- (I) essential operations for agriculture, horticulture, and essential infrastructure where there is a proven and justified need;
- (II) appropriate small-scale new or expanded outdoor sport, leisure and tourism facilities;
- (III) house extensions or extensions to outbuildings for economic (non-residential) purposes that are ancillary to the existing dwelling and are sympathetic to the character of the original building and its setting;
- (IV) subject to satisfying the requirements of Local Plan Policy DM9 or its successor policy in the emerging Local Plan, sensitive conversions and alternative uses for farm buildings that can be shown to be no longer required for agriculture but that enable farm diversification where they:
  - sustain, complement and are ancillary to the core farm business;
  - do not compromise the working of the farm, or create additional requirements for new agricultural buildings;
  - provide satisfactory access, servicing and parking arrangements.
- (V) micro-growth points for business development;
- (VI) shared (co-location) and flexible service facility uses of buildings in the village of Wray where this will help to ensure the continued operation of key services or community assets.

Subject to satisfying the requirements of Local Plan Policies DM8 or DM9 or its successor policy in the emerging Local Plan, the re-use of rural buildings or agricultural buildings to support tourism and the visitor economy will be supported.

4.6.1 Local Plan Policy DM9: Diversification of the Rural Economy supports “proposals in rural areas which seek to diversify the rural economy” where there are no “adverse impacts on the environment” and will “encourage the re-use, adaptation or conversion of existing rural buildings which assist in the diversification and economic stability of an agricultural holding where”, amongst other criteria, “it can be demonstrated by the applicant that the buildings which are part of the proposal can no longer be used for ongoing agricultural uses.”

4.6.2 Neighbourhood Plan Policy RE1 aims to supplement Policy DM9 by specifically including tourism to support the visitor economy in the area. The summary of findings in the Wray with Botton Landscape Appraisal Final Report in respect of the special qualities

to conserve and enhance and the changes to avoid provides important advice on preserving and enhancing the character of the surroundings.

4.6.3 To the south and west of Wray, where the land rises and becomes more undulating, the enclosure pattern is one of post-medieval enclosures, defined by an irregular field layout reflecting piecemeal enclosure from moorland by individuals on the Bowland fringes. The pattern of this enclosure adjacent to Wray has remained unaltered since the 1st Edition OS mapping. The HLC guidance states the need to conserve this type of distinctive pattern of post-medieval enclosure of upland moor.

4.6.4 Policy RE1 allows for new construction as well as re-use, adaptation and conversion of existing buildings and seeks to complement Local Plan Policy DM7: Economic Development in Rural Areas or its successor policy in the emerging Local Plan:

*“Development proposals for economic development within rural areas which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental benefits. This includes economic development which is an appropriate scale and nature and assists in the diversification of the rural economy including the diversification of agricultural buildings.”*

Local Plan Policy DM7 is necessarily broad in scope and requires a lot of local interpretation. In Wray with Botton, small-scale business enterprises and facilities for tourism should be regarded as acceptable under Local Plan Policy DM7 in that these specific uses have been identified as being ones that would (subject to design, siting etc) be likely to maintain and enhance rural vitality and character, consistent with supporting the Forest of Bowland AONB’s primary purpose and Special Qualities. Such developments would be likely to improve the sustainability of the Wray with Botton rural community as they would bring economic, environmental and community benefits, which is what both the Neighbourhood Plan and Local Plan are trying to achieve.

4.6.5 The village of Wray is predominantly residential in character with commercial premises generally providing services to the community rather than significant employment opportunities. The Business Survey<sup>41</sup> identified that many businesses are sole proprietors or employ only small numbers of part-time staff or contractors. Digital, office, service, rural craft and trade skills businesses were favoured by those who sought to encourage new business and a need was identified for business workshop space, storage facilities and office facilities. Given the relatively high density of existing housing and the priority to identify further sites for housing there are few areas within the village which could be developed for commercial use without imposing a significant adverse impact on surrounding residents. Micro-growth points are very small scale developments that support the growth or diversification of new or existing businesses, which may include but are not restricted to live-work units, which may be more easily accommodated.

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<sup>41</sup> Wray with Botton Parish Council Business Survey June 2015

## 4.7 NATURAL ENVIRONMENT

### **Policy NE1: - Protection and enhancement of Trees, Woodland and Hedgerows**

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

4.7.1 Development proposals that affect the natural environmental assets and sites of biodiversity importance will also be considered against Development Management DPD Policies DM27, DM28 and DM 29 or their successor policies. The Neighbourhood Plan Area includes a number of areas which have been designated for their environmental importance at an International, National and Local level. The area includes the Bowland Fells Special Protection Area (SPA) which is an extensive upland area providing important habitats for protected plant and bird species. The area also includes Roeburndale Woods and Clear Beck Meadows Sites of Special Scientific Importance (SSSI) and a number of more locally designated Biological Heritages sites. Such local designations include Middle Wood, Neddy Park Wood, Quarry Wood (including Hoskins Wood, Mill Wood and Spout Brow Wood), Bank Wood and Hunt's Gill Wood, Powley Wood (including Beck Gill Wood, Scroggy Wood, Audland Close Wood, Stubb Wood and Tenter Hill Wood), the Stables Bank Wray Bridge, Alcocks Farm Grasslands, Over Close Wood and Proctor Wood, Well Beck Wood (including Helks Home Wood and Middlefield Wood) and Fall Wood Coppice.

4.7.2 Wray Village is small in scale and has a very low impact on the landscape to the extent that someone approaching Wray would not see the Village until practically entering it. This landscape has an important role contributing to the wider landscape character of the Forest of Bowland AONB. Therefore the Wray with Botton Neighbourhood Plan Landscape Appraisal Final Report was commissioned from Alison Farmer Associates to supplement that which already exists in the form of the Lancashire Character Assessment, the Forest of Bowland Character Assessment and parts of the Wray Conservation Area Appraisal.

4.7.3 Policy NE1 seeks to protect and enhance trees, woodland and hedgerows within the plan area. It places a particular emphasis on the role of the ancient and species-rich hedgerows to the north and east of Wray which mark the historic field pattern in maintaining and enhancing wildlife habitats. It is also important to emphasise the role of individual trees and the steep wooded valley sides along the banks of the Rivers Roeburn and Hindburn as a haven for wildlife and as a setting for the village together with the conservation and enhancement of water quality within the catchment areas of rivers and

streams within the plan area to support wildlife diversity, angling and other aquatic pursuits.

4.7.4 Local Plan Policy DM29 protects Trees, Hedgerows and Woodland where they contribute to the visual amenity and/or environmental value of the location. After undertaking additional research it became clear that nearly all the trees, hedgerows and woodland in the Parish contribute to the visual amenity and/or environmental value of Wray. In particular, the hedgerows were shown to contain protected species thereby contributing to the biodiversity of the area and in some cases delineate the distinctive, ancient field patterns that are still visible today around Wray. The importance of the woodlands has already been recognised by their being designated in the Local Plan and their being mentioned specifically in the Forest of Bowland AONB Landscape Character Assessment.

### **Policy NE 2: - Local Green Space**

The areas listed below are designated as Local Green Space.

Wray LG1 School Playing Field

Wray LG2 Wray Flood Gardens

These areas have been identified on the Proposals Map.

Inappropriate development will not be permitted within a Local Green Space except for very special circumstances. Development which will enhance, support and facilitate the sustainability of the community needs, services and purposes provided by the Local Green Space will be considered appropriate. The design, scale and size of development will be required to be proportionate and reflective of/in keeping with each Local Green Space, the purposes of the designation and the community it serves.

4.7.5 Lancaster City Council prepared a robust methodology which has been subject to public consultation in late 2015. Following the completion of the methodology the Council conducted a 'Call for Sites' exercise, inviting members of the community to submit potential Green Spaces in their areas for assessment. This assessment work was undertaken by a panel of stakeholders during the course of the summer with a number of sites identified to go forward as green space designations. Four sites within the Wray Neighbourhood Plan area were submitted for consideration of which the two listed above satisfied the four tests necessary to justify designation.

4.7.6 These spaces hold particular local significance for the community. They are demonstrably special and are in close proximity to the people they serve. For this reason the spaces should be given the special status offered by the National Planning Policy Framework:

*"76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green*

*Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.*

*77. The Local Green Space designation will not be appropriate for most green areas or open space.*

*The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*

4.7.7 The School Playing Field is a multi-functional space enclosed on three sides by existing development. It contains a well equipped play area for children and is of a sufficient size to meet a variety of needs both sporting and recreational throughout the year. It is also the site of the annual Wray Fair in conjunction with the Scarecrow Festival.

4.7.8 The Wray Flood Gardens are an attractive area formed following the devastating Wray Flood in 1967 where a number of homes were washed away. It provides a space to relax and enjoy the tranquil surroundings. The land is owned by the Parish Council.

4.7.9 Policy NE2 takes the same approach as the City Council’s draft Policy SC2: Local Green Spaces in the Strategic Policies and Land Allocations DPD (February 2018) in the emerging Local Plan and is consistent with the aims of Policy DM25: Green Spaces & Green Corridors in the Development Management DPD, adopted December 2014.

4.7.10 Lancaster City Council’s Planning officers are satisfied that the 2 sites identified in Policy NE2 are demonstrably special to the local community to warrant their designation as Local Green Space. Full details of the methodology used and the details of all the sites submitted may be found in Appendix 5.

### **Policy NE3 - Historic Environment**

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

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

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



(I) They conserve and enhance the significance of the asset. This may include schemes that specifically aim to (or include measures to) protect, restore or enhance historic assets or features;

(II) They conserve and enhance the character and local distinctiveness of the area through design, scale and materials used; and

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

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

4.7.11 The policy sits alongside existing policies and legislation and provides a comprehensive, Neighbourhood Plan specific approach within the Forest of Bowland AONB that seeks to recognise and conserve heritage assets and the wider historic environment and historic character of the plan area in a way that reflects the AONB Management Plan and the AONB's Special Qualities.

4.7.12 Evidence such as the Wray Conservation Area Appraisal, the Historic Landscape Characterisation undertaken for the whole of Lancashire in 2002, and amplified in the Wray with Botton Neighbourhood Plan Landscape Appraisal together with other sources such as the Traditional Orchards Survey, Heritage at Risk Register, Register of Parks and Gardens, Historic Environment Record, National Heritage List for England and National Archaeological Identification Survey should be used to inform planning applications and decisions. In addition to the policy requirements above, further measures relating to archaeology are set out in the Local Plan policies.

4.7.13 Within the village of Wray, features of particular note include the extent of the Wray Conservation Area and the potential noted in the appraisal to extend the designated area to include the historic buildings nearby in the vicinity of the Old Bobbin Mill; the large number of Listed Buildings within the Conservation Area some of which are identified as Landmark Buildings together with a significant number of Buildings of Special Character; significant trees and tree groups which contribute to the overall character of the area; the historic strip fields to the north and east of the village and the post-medieval pattern of enclosures to the south and west; the Queen Victoria Golden Jubilee Lantern in Main Street and the more recent walled mosaic to commemorate the Wray Flood of 1967 on the banks of the River Roeburn. The green corridor and riverside walk along the western / northern bank of the River Roeburn contribute to the character of the conservation area and the setting of the village.

4.7.14 The full range of heritage features, designated and non-designated, should be recognised and taken into account when planning new development, including, but not exclusively: hidden features and archaeology; field patterns; ancient enclosures; historic routes; lime kilns; milk churn stands; bee boles; mile-markers; traditional road signs; marker posts and directional signage; traditional stone walls and buildings; parkland; historic designed landscapes; ponds; wells; hedgerows; orchards and veteran trees. Features should not be considered in isolation but in their context as part of a historic environment at the landscape scale.

## 4.8 COMMUNITY

### Policy COM1 - Community Assets and Local Services

New development should conserve or enhance assets and services valued by the community, including those listed below:

1. Wray-with-Botton Endowed Primary School
2. Wray Institute
3. Wray Holy Trinity Church and its grounds
4. Wray Methodist Chapel and its grounds
5. Former Friends Meeting House (now Chapel property) and its grounds
6. Post Office and Village Shop
7. The George & Dragon Public House
8. Wray Pre-school Forest School
9. Allotments
10. Bridge House Tea Rooms and Garden Centre

Proposals that would result in the loss of buildings/uses which currently (or have previously) provided the community with a local service must provide compelling and detailed evidence in accordance with the criteria set out in Policy DM49: Local Services or its successor policy in the emerging Local Plan to demonstrate that the asset or service no longer has an economic or social value to the community.

4.8.1 The Parish identified through their consultation process that the people of Wray valued their community especially its traditions and activities but also certain assets (in addition to the landscape and townscape) that they believe contribute to community cohesion. Many of these coincide with those elements identified in the Local Plan as important criteria for sustainable communities and as such, important for the continued vitality and viability of the village. These assets support Wray's contribution to the Forest of Bowland AONB both directly by providing services for visitors and indirectly by supporting the people of Wray who act as custodians of the Parish, its landscape and townscape.

4.8.2 The number of visitors that a village like Wray can regularly host at any one time is limited by its size, a point emphasised by the need for substantial planning and resources including use of nearby fields to accommodate parking during the annual Scarecrow Festival and Wray Fair. As such while visitors are welcome to the Village and tourism is something that can be developed to the benefit of Wray and the wider AONB Area, it must be proportionate and appropriate both for the sake of the people who live there but also to the visitors themselves whose evidence<sup>42</sup> has shown are attracted to the area's relatively unspoilt character.

4.8.3 It is recognised that the need for and demand for local services is likely to change over time. The policy therefore signposts to criteria in the Local Plan which may be used to determine how the value of the community assets and services listed should be assessed in the future and will be kept under regular review by the Parish Council.

<sup>42</sup> Visitor Questionnaire Results and Tea Room Questionnaire Results 2015

## 4.9 TRANSPORT AND INFRASTRUCTURE

4.9.1 During the preparation of this plan, Lancashire County Council has published its District of Lancaster Highways and Transport Master Plan. This necessarily focuses on the priority needs in the urban centres of Lancaster, Morecambe, Heysham and Carnforth. The document identifies the following issues to be addressed in Rural Lancaster in which this Neighbourhood Plan lies:

By their nature, the rural areas of Lancaster tend to be very dependent on the car, which can not only lead to local problems on the highways network, but makes life very difficult for those who, for whatever reason, do not have their own transport:

- Rural isolation and an ageing population both present health and wellbeing issues for the health sector, so there is a real opportunity to work together to maximise the benefits of reducing social isolation for organisations as well as individuals.
- Young people who don't have access to a car can find it very challenging to reach education and employment, to the point that they may be forced to leave their own community to find suitable work and housing.
- Car dependence is unlikely to be sustainable in the longer term, both on cost grounds and through the need for carbon reduction. Car ownership in rural areas is likely to become increasingly unsustainable, so alternatives need to be in place sooner rather than later.
- More than in any other area of the county, visitors need to be able to travel without a car and there is a definite need to support a sustainable visitor economy to ensure that the natural environment is protected while its economic benefit is maximised.

These problems could be compounded in the future if consideration is not given to sustainable access when considering the scale and location of future housing and employment needs within existing rural communities.

We therefore need to do what we can to make more sustainable modes available where possible, both for those who don't have the choice of a car and for those who would want other options, whether through age or cost. However, the car will remain a vital part of rural transport and we therefore need to do what we can to make car ownership itself as sustainable as possible.

Source: District of Lancaster Highways and Transport Master Plan P45

4.9.2 The Master Plan identifies many of the challenges that lie ahead and indicates a potential 'Greenway' route from Lancaster that would pass through the north end of the Parish to serve the needs of cyclists and pedestrians though its delivery is neither funded nor timetabled. It also recognises the difficulties of funding conventional bus services for sparsely populated rural areas and indicates that an innovative approach will be needed to provide sustainable access to these areas in the future. The Parish Council accepts that the reality for the future, particularly given recent cuts to local bus services, is likely to focus on the continuing primacy of the car for local travel planning.

4.9.3 Compliance with Development Management DPD Policies DM20: Enhancing Accessibility and Transport Linkages, DM21: Walking and Cycling, DM22: Vehicle parking Provision, and DM35: Key Design Principles and their successor policies in the emerging

Local Plan is essential to ensure that the issues raised for Rural Lancaster in the District of Lancaster Highways and Transport Master Plan have been fully addressed and any necessary mitigation measures identified. The following policy is intended to focus decision makers on the wider implications of new development and the opportunities that exist to make improvements which would contribute to safer and more sustainable neighbourhood transport outcomes.

### **Policy TRA1 - Infrastructure for New Development**

Where development proposals are shown through evidence to be required to contribute towards any of the following schemes, so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation. Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

(I) Improvements to the existing local network of cycleways, bridleways and footways which encourage their use.

(II) Measures which improve accessibility within the Parish by public transport, walking and cycling and the provision of additional car parking within the village of Wray.

(III) Improvements to links between the Parish and local service centres including the development of new cycleways to reduce reliance on the B6480 and enhance safety for all.

4.9.4 The only classified road within the Neighbourhood Plan area is the B6480 running broadly east - west through the village of Wray. Both the B6480 and all other routes in the plan area are essentially minor roads with limited carriageway widths, winding alignments and generally poor forward visibility. All routes have virtually no continuous verge which makes them particularly hazardous for non-motorised users. In addition, parts of the B6480 and the minor road network are designated cycle routes, including the Way of the Roses, which means that many cyclists are unfamiliar with the conditions they encounter.

4.9.5 Public transport is also very limited, particularly following the severe cuts to bus services in 2016 which make it almost impossible for use by employees travelling to and from work and by students and others to reach the main service centres in Lancaster and Morecambe. Similarly although there is a train station in Wennington, this provides only 4 trains in each direction between Morecambe and Leeds. The lack of weekend and bank holiday public transport services also has a harmful impact on the visitor economy and the leisure opportunities of residents. As a result, residents are either totally car dependent for travel or are excluded from many leisure opportunities in the surrounding area.

4.9.6 Within the village of Wray there are only limited lengths of footway which together with the conflict caused by parked vehicles make access to community facilities for residents and visitors particularly hazardous. The infrastructure policy is therefore intended to ensure that the full implications of development for accessibility and connectivity are

taken into account, while the associated community action is intended to help focus future infrastructure spending in accordance with the expressed wishes of the community.

## **COMMUNITY ACTION 2: PRIORITIES FOR INFRASTRUCTURE<sup>43</sup>**

The Parish Council will work with Lancaster City Council, Lancashire County Council, and other bodies as appropriate to deliver the following projects through the use of Planning Agreements (Section 106) and Community Infrastructure Levy (CIL) or successor mechanisms such as Local Infrastructure Tariff (LIT) gained through the permitting of development within the Neighbourhood Plan Area:

- (I) Off-street parking provision, where appropriate on Main Street, Wray to improve road safety and the character and appearance of the village by reducing the dominance of the motor vehicle within the streetscape.
- (II) All-ability access to the footpath network including improvements to footways within the village of Wray to reduce the need to walk in the road and to improve the health and wellbeing of residents and visitors.
- (III) Measures to conserve and enhance the local environment, including designated local green space.

4.9.7 The Community Infrastructure Levy (CIL) is a national scheme which allows local planning authorities to set local charges for new development to fund the provision of infrastructure. Money raised by CIL can be used to support development by funding infrastructure that the council, local community and neighbourhoods want. The proceeds would be paid directly to the Parish and can be used to back the community's priorities. Within Neighbourhood Plan areas which secure the consent of local people in the referendum, 25 per cent of the revenues from the Community Infrastructure Levy arising from the development that they choose to accept would be made available. This policy sets out the priorities for spending CIL or any successor policy such as Local Infrastructure Tariff (LIT) within the Parish.

4.9.8 Planning agreements under section 106 of the Planning Act are intended to mitigate the impact of development on local communities. For all development schemes with a local impact, Lancaster City Council would normally negotiate with the developer a package of measures to limit the impacts on the local environment and residents. This policy provides Lancaster City with guidance as to the priorities for funding within the Parish of such monies as may arise.

4.9.9 The National Planning Policy Framework seeks to ensure our transport infrastructure is more balanced towards sustainable modes of transport including public transport. Benefits include reduced carbon emissions and health benefits. The current situation for cyclists in particular having to use the B6480 as part of the cycle network is unsatisfactory. With necessary funding either the long term proposal to convert the disused railway line from Bull Beck through to Kiln Lane in Wray could be progressed or a lower cost alternative of upgrading the existing bridleway (1-38-BW 37) along Back Lane

<sup>43</sup> Community Actions are not land use policies but are rather aspirations of the Parish Council on behalf of the community

to Kiln Lane would at least eliminate a particularly hazardous section of the B6480. A modest upgrade of the remaining length from Meal Bank Bridge in the east to Kiln Lane would also add significantly to the quality of the non-motorised user network in the Parish and provide significant health benefits to residents and visitors alike.

4.9.10 The B6480 is subject to the national speed limit outside the village of Wray and to a 30mph within the village. Main Street from its junction the B6480 to Wray Bridge is subject to a 20mph speed limit. Both restrictions are widely disregarded and there is little likelihood that any enforcement action would have a lasting effect. Whilst the imposition of a 20mph speed limit throughout village would have a positive impact on both the safety and security of non-motorised users particularly where there are no continuous footways, further low cost physical measures such as road narrowing with priority gateways could contribute significantly to traffic calming. It is acknowledged that more specific evidence may be required to justify and then implement measures to mitigate the speed and flow of through traffic. Whilst Lancaster City Council considers such matters to be beyond the remit of a Neighbourhood Plan focussed on land-use, nevertheless providing a safe and accessible transport network is key to unlocking the potential of Rural Lancaster.

## SECTION 5 IMPLEMENTATION AND MONITORING

5.1 The Neighbourhood Plan will be delivered and implemented over the period to 2030. Different stakeholders and partners will be involved. It is not a rigid 'blue-print' and provides instead a 'direction for change' through its vision, objectives and policies. Flexibility will also be needed as new challenges and opportunities arise over the plan period. In this respect, implementation, monitoring and review will be crucial.

5.2 Wray with Botton Parish Council will be the responsible body to manage and oversee the implementation of the Neighbourhood Plan.

### Key Activities

5.3 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 Wray with Botton 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, Wray Institute and the Scarecrow Festival Committees, Holy Trinity Church, Wray Methodist Church and Friends of the Chapel, Wray Over Sixties, Wray with Botton Heritage Group, Wennington and District WI and Wray Scouts & Guides.

### Key Areas of Action

5.4 The key areas of action summarises the Parish Council's approach to delivery and implementation of the Neighbourhood Plan:

## Housing Development

5.5 The Parish Council will work with local landowners, developers and Lancaster City Council to deliver sustainable growth in new housing over the plan period to meet identified local needs.

## Rural Economy

5.6 The Parish Council will encourage businesses to improve local employment opportunities for local people and work with landowners and stakeholders to bring brownfield sites such as underused or disused agricultural buildings forward for redevelopment or conversion into economic use.

## Natural Environment

5.7 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.

## Transport and Infrastructure

5.8 The Parish Council will work with Lancaster City Council and Lancashire County Council to find ways to improve road safety, address speed and parking issues and provide suitable pedestrian, cycle and equestrian facilities throughout the Parish.

## Monitoring and Review

5.9 The Wray with Botton Neighbourhood 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 Plan.
- 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 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 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 Plan in full collaboration with Lancaster City Council. Evidence will also be reviewed and updated as required.

## Next Steps

5.10 The following sets out the remaining planned key milestones of the neighbourhood planning process:

May 2019	Wray with Botton Parish Referendum of residents to support the Plan
July 2019	Lancaster City Council confirms our Neighbourhood Plan is 'made'
August 2019	Implementation of 'made' Neighbourhood Plan starts



## APPENDICES

The appendices are available as separate documents on Lancaster City Council's Planning website under Wray Neighbourhood Plan:

Appendix 1 Other documents guiding development in the Neighbourhood Plan Area

Appendix 2 Schedule of Evidence

Appendix 3 Site Selection and Assessment

Appendix 4 Constraints Overview and Environmental Constraints Maps

Appendix 5 Local Green Space

Appendix 6 Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

Appendix 7 Bibliography/References

Appendix 8 Glossary of Terms

Appendix 9 Table of Successor Policies in Emerging Local Plan

Appendix 10 Wray with Botton Neighbourhood Plan Landscape Appraisal

Appendix 11 Heritage Impact Assessment

# **WRAY WITH BOTTON NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

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

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

12 December 2018

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## 1.0 Summary

- 1.1 The Wray with Botton Neighbourhood Plan has been prepared to set out the community's wishes for this parish so that development can be managed in a way that meets the needs of the community allowing them to continue to live, work and enjoy a high quality of life in an area that creates a strong sense of place. The parish lies within the Forest of Bowland AONB and contains the village of Wray which is the main centre of population.
- 1.2 The Plan sets out comprehensive policies to deliver the future development needs and safeguard the high quality environment of the village and its surrounding area to support and complement those in the Local Plan. 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:
- Revisions to the SEA and HRA Screening Reports;
  - The deletion of Policy BE2;
  - The inclusion of Key Considerations in Policy H1 to set out factors to be taken into account on the design and layout of the housing allocations;
  - Clarification of the wording of policies and the supporting text; and
  - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Wray with Botton 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 Wray with Botton Neighbourhood Plan (referred to as the WNP throughout this report).
- 2.2 Wray village lies about ten miles to the north east of Lancaster. All of the parish falls within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) which contains extensive areas of sparsely populated upland used mainly for grazing. The parish lies within the boundary of Lancaster City Council
- 2.3 It has the historic village of Wray at its core containing a conservation area and several listed buildings. The Bowland Fells is a Special Protection Area of European Importance and covers a significant area of the parish. At 2011 there were 532 people living in Wray with Botton parish in 222 households.

### Appointment of the Independent Examiner

- 2.4 I was appointed as an independent examiner to conduct the examination on the Wray with Botton Neighbourhood Plan by Lancaster City Council with the consent of Wray with Botton Parish Council in August 2018. I do not have any interest in any land that may be affected by the WNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.

### Role of the Independent Examiner

- 2.5 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 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 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 Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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.

2.6 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; 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) sets out a further Basic Condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).

2.7 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the plan should proceed to referendum if modified; or
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.8 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should

extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.

- 2.9 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.
- 2.10 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**

- 2.11 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.
- 2.12 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.
- 2.13 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 Wray with Botton Neighbourhood Plan 2011 – 2031 dated April 2018.
- 2.14 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Habitats Regulation Assessment and the Strategic Environmental 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.
- 2.15 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

## **Legislative Requirements**

### **Qualifying Body**

- 2.16 The neighbourhood plan making process has been led by Wray with Botton Parish Council which is a “qualifying body” under the Neighbourhood

Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.

- 2.17 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

### The Plan Area

- 2.18 The Neighbourhood Plan area is co-terminus with the parish of Wray with Botton. The area was designated by Lancaster City Council on 20 February 2015 as a Neighbourhood Area. The Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.19 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

### Plan Period

- 2.20 A neighbourhood plan must specify the period during which it is to have effect. The front cover and page 2 of the Plan state that the lifespan of the Neighbourhood Plan is 2011 – 2031. However I have concerns that the commencement date of the Plan is some time before the plan was prepared and it is recommended that it should be revised to the date it is “made”.

### **Recommendation 1: Revise the date of the Plan period to 2018 – 2031.**

### Excluded Development

- 2.21 The Basic Conditions Statement states that 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.
- 2.22 However, Policy RE1 includes “allocated mineral extraction or waste management”. I have recommended modifications to Policy RE1 to delete reference to excluded forms of development from the policy.

### Development and use of land

- 2.23 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the WNP would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.24 I am satisfied therefore that the Wray with Botton Neighbourhood Plan satisfies all the legal requirements set out in paragraph 2.5 above.



## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.25 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”.
- 2.26 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.”
- 2.27 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.”*
- 2.28 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. 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 for which it has been prepared.”*
- 2.29 The NPPF of 2012 is referred to in this examination. Paragraph 214 of Appendix 1 of the July 2018 NPPF states that the policies of the 2012 NPPF will apply for the purpose of examining plans where those plans are submitted on or before 24 January 2019. The footnote to this paragraph confirms that this applies to neighbourhood plans.
- 2.30 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic development needs set out in the Local Plan*” and further states that “*the neighbourhood plan must address the development and use of land by setting*

*out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.*

- 2.31 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”.*
- 2.32 The Basic Conditions Statement describes how the policies of the Plan are aligned with national policy and guidance. It demonstrates that the Plan has regard to the elements set out in the NPPF relevant to the Plan Area and to delivering sustainable development.
- 2.33 I consider the extent to which the policies of the plan meet this Basic Condition No 1 in Section 3 below.

#### **Basic Condition 2 - Contributes to sustainable development**

- 2.34 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 dimensions to sustainable development: economic, social and environmental.
- 2.35 There is no legal requirement for a formal Sustainability Appraisal to be carried out in respect of neighbourhood plans. However good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out.
- 2.36 The Basic Conditions Statement considers how each policy in the WNP contributes to the delivery of sustainable development with regards to economic, social and environmental aspects. The Plan includes Policy OS1 which is entitled “Development Strategy” and summarises the Plan’s overall approach to promoting sustainable development. I will comment further on this policy later in my report.

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

- 2.37 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. The adopted strategic policies covering the Neighbourhood Plan area are contained in the Lancaster District Local Plan. This includes the Core Strategy (adopted in 2008) and the Development Management Policies

(2014). A new Local Plan is well advanced with consultation on the Publication stage of the Strategic Policies and Land Allocations DPD and the Development Management DPD undertaken in February to April 2018.

- 2.38 The Basic Conditions Statement comments on how the policies of the Plan are in conformity with adopted and emerging Local Plan policies. I consider in further detail in Section 3 below the matter of general conformity with the strategic policies of the plan.

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

- 2.39 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.
- 2.40 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Lancaster City Council) that the plan is not likely to have “significant effects.”
- 2.41 A SEA Screening Report was prepared by Lancaster City Council. This concluded in paragraph 4.1 that *“Initial internal screening of the Neighbourhood Plan concludes that it is unlikely that the Neighbourhood Plan would result in a significant environmental effect. It is however recognised that the Neighbourhood Plan is being brought forward in advance of the Land Allocations document and as such does not benefit from higher level appraisal. That said the strong focus of the Neighbourhood Plan on the protection of the environment, its AONB focus and lack of allocations, albeit one allocation within a previously developed site in the centre of the village, make it unlikely to result in significant effects.”*
- 2.42 I have concerns about the adequacy of this screening in the light of advice in the PPG on SEA in Paragraph: 046 Reference ID: 11-046-20150209. This states that

*“Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:*

- *a neighbourhood plan allocates sites for development*
- *the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan*
- *the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.”*

- 2.43 The SEA screening includes contradictory statements saying that there are no allocations in the plan in Table 1 line 4 and in Table 2 second line a). Elsewhere in Table 1 line 8 and in Table 2 second line b) reference is made to the Hoskins Farm site but not the other sites set out in Policy H1. The conclusion is also contradictory referring to a “lack of allocations, albeit one allocation within a previously developed site in the centre of the village”.
- 2.44 Whilst the screening considers the impact on the AONB, the impact of the allocations on other environmental designations including the listed buildings and conservation area in the village has not been considered. Historic England do not appear to have commented on the screening report, although they have lodged objections to the assessment of four site allocations under Policy H1 in the site assessment report (Appendix 3 of the Plan). The Sites Assessment Report refers to a number of environmental considerations which should have informed the SEA screening.
- 2.45 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the SEA and HRA Screening Reports in May 2017.
- 2.46 I have raised my concerns with the Lancaster City Council. In response, the Council’s Conservation Officer has undertaken a Heritage Impact Assessment (HIA) of three sites WR5 – Hoskins Farm, WR9 – Old Chapel Field and WR11 – New Inn Car Park. Historic England have been consulted on the HIA and they have agreed that provided that the HIA is included as evidence to support the WNP that a SEA would not be required. Natural England and the Environment Agency have been re-consulted and have raised no issues with the content and outcome of the SEA Screening Report.
- 2.47 I recommend therefore that for the WNP to proceed, the LPA as the responsible body corrects the factual errors and omissions in the SEA Screening Report concerning the number of allocations and the significance of the heritage assets. Reference to the HIA and a summary of its conclusions should also be included. The HIA should be published as a separate background evidence report to the Plan.
- 2.48 I have taken account of the recent judgement of Case 323/1/Court of Justice of the European Union “People over Wind and Peter Sweetman v Coillte”. The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
- 2.49 The HRA screening report for the Wray NP contains recommendations for additional wording to be added to policies to ensure protection of the European Sites.

- 2.50 I have asked the LPA to review the recent CJEU ruling and consider whether an Appropriate Assessment should be undertaken of the Wray NP in the light of this judgement.
- 2.51 LCC has responded to say “*The initial screening report concluded in table 3 that, in the absence of mitigation measures, no likely significant effects on the designated sites as a result of the implementation of the policy. Whilst additional wording was suggested to improve the policy this was made following the above conclusion and was suggested to improve the wording of the policy and add clarity and not as mitigation. In this respect the council do not believe that the initial screening report is affected by the above ruling. It is recognised that paragraph 6.3 of the report implies the need for this wording to be included within the policy to avoid significant effects. This was not the intention of table 3 and as such if required the paragraph could be amended to make this clear.*”
- 2.52 I agree with the comments made by LCC that the HRA screening should be amended to improve its clarity.
- 2.53 The Basic Conditions statement includes a section on Human Rights and states in section 4.4 that “*The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human rights and complies with the Human Rights Act 1998*”.
- 2.54 However no assessment has been provided of how the plan has had regard to Human Rights. From the evidence provided in the Consultation Statement, I am satisfied that adequate efforts were made to consult the community and to take appropriate account of the views expressed. I am not aware of any matters that would lead me to believe that Human Rights have not be given due account.
- 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. Subject to the recommended modifications and taking all of the above into account, I am satisfied that the WNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

**Recommendation 2: For the Plan to proceed, the LPA as the responsible body should correct the factual errors and omissions in the SEA Screening Report concerning the number of allocations and the significance of the heritage assets. Reference to the HIA and a summary of its conclusions should also be included. The HIA should be published as a separate background evidence report.**

**For the Plan to proceed, the LPA as the responsible body should correct the HRA Screening Table 3 and the screening conclusion to make it explicit that the revisions are to improve the clarity of the policies and are not mitigation measures.**

**The LPA should prepare an explanatory note summarising the corrections that have been made to the SEA and HRA Screening Reports that should be published alongside the corrected reports.**

### 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 an overview of the various stages of consultation that have been carried out during the preparation of the Wray with Botton Neighbourhood Plan. It highlights the aims of the consultation and summarises the consultation process undertaken during the preparation of the plan. Feedback from each stage of the consultation is recorded in the Appendices of the evidence report.
- 2.58 The preparation of the Neighbourhood Plan commenced in September 2014 with a public meeting. This was followed by:
- Parish wide opinion surveys (individual and local organisations) in 2015
  - Housing Needs Survey
  - Local business survey
  - Visitor survey
  - Landowner consultation
  - Village 'Open Day' (July 2015 and March 2017)
  - Discussions with local groups including school and youth group
  - Regular articles in the village newsletter 'The Wrayly Mail'
  - Consultations with external bodies/organisations (national bodies and organisations/neighbouring Parish and local councils etc.)
  - The Regulation 14 pre-submission consultation ran from 30 September until 10 November 2017.
- 2.59 Publicity for the consultation events was undertaken through:
- A Neighbourhood Plan page on the Parish Council website;
  - Regular articles in the Wrayly Mail;
  - Publicity leaflets on noticeboards and distributed to all households;
  - By publishing minutes of Steering Group meetings on the Parish Council website; and
  - Documents were made available at the Village Institute.
- 2.60 The Regulation 16 consultation on the Submission Draft Plan was undertaken by Lancaster City Council between 11 June until 23 July 2018. Eleven representations were received, some making several comments. In addition, six responses were received from organisations that offered no comments on the plan. I have taken into account the points made in the representations in preparing my report.

- 2.61 I am satisfied that the consultation and publicity on the draft Plan has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.62 This report is the outcome of my examination of the Submission Draft Version of the Wray with Botton Neighbourhood Plan 2011 - 2031. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting, then the Plan will be made following approval by Lancaster City Council.

### 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 Plan is well presented with policies relating to sustainable development, the built environment, housing, the rural economy, the natural environment community and transport and infrastructure. Many of the policies in the Plan have been adapted from those in the emerging Arnside and Silverdale AONB DPD which is currently undergoing Public Examination. The WNP areas lies within the Forest of Bowland AONB which has its own distinctive character and care is therefore needed to ensure that the policies in the WNP are relevant to and reflect its characteristics and special qualities. I have carefully considered each policy to ensure that it is applicable to the WNP area and provides land use planning policy; that it is clearly worded and is capable of being applied consistently by decision makers.
- 3.5 Lancaster City Council has commented that the WNP needs to strike a balance in making provision for the needs of the local area against safeguarding the important designations such as the AONB. I have also been mindful that Plan area contains part of the Bowland Fells SPA and Wray village contains a conservation area and several listed buildings and other heritage assets.
- 3.6 Historic England has made a number of comments about the need to strengthen the plan to better consider the impact of development on the historic environment, historic assets and their settings. I have commented on these under the relevant policies and recommended revisions where appropriate.
- 3.7 Six sites are proposed for allocation for housing development and a further three are identified as having potential to come forward for housing during the plan period. I have commented on these under Policy H1.



- 3.8 Three maps are included in the Plan showing the boundary of the plan area, the townscape appraisal of the conservation area and the village character analysis. Appendix 1 includes two maps entitled Proposals Maps, firstly of the whole parish showing boundaries of the AONB and the Bowland Fells Special Protection Area and secondly an inset map of the village showing the housing allocations and other sites referred to in policies of the WNP. The relevant Policy number is identified against some sites but not all. The Proposals Maps are legible and the keys are clear. It is recommended that the key links all site designations to the relevant policy. I have made recommendations under Policies H1 and COM1 to improve the mapping of sites. For ease of use the Proposals Maps should be included in the NP document rather than an Appendix.
- 3.9 Nineteen site options have been assessed for their potential for housing development. These are assessed in the Site Selection and Assessment Report (Appendix 3 to the WNP). The Report describes each site and considers their suitability, availability and achievability. Where it is concluded that the site is suitable for housing development key development considerations are set out should development be proposed on the site.
- 3.10 A Landscape Appraisal of the Plan area was undertaken by independent consultants which sought to identify the special qualities of Wray and its setting. The Appraisal included a description of the various landscape character types in the plan area; an assessment of the special qualities of the conservation area including comments from the conservation area appraisal on the views into and out of the village; and the description of Local Character Areas in and around the village. The report gives a detailed assessment of the potential housing site options considering the potential impact of the development of each site on the landscape, the village, the conservation area and its setting.
- 3.11 Several policies include the statement that “development will not be permitted” in specified circumstances. It is considered that this does not have regard to national policy. NPPF paragraph 2 states that “*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. A Neighbourhood Plan policy will be taken into account by decision makers but it cannot tie the hands of decision makers in determining planning applications. I have made recommendations under relevant policies to delete this wording.
- 3.12 LCC has suggested that the policy numbers should be different from those in the Local Plan to avoid any confusion by decision makers. I make no comment on the suggestion other than to note that other neighbourhood plans use the initial letters from the plan name.

**Recommendation 3: Include the Proposals Maps in the Plan rather than an Appendix.**

## The Neighbourhood Plan - Policies

### Introduction

- 3.13 The introduction sets out the context for the Plan and includes lengthy quotes from the NPPF and the Forest of Bowland Management Plan. In order to make the WNP more succinct it is recommended that this section should include references to the relevant key themes but avoid lengthy quotes as these will become out of date over time and the documents are revised.
- 3.14 I have raised concerns about the adequacy of the SEA and HRA screening reports. As a consequence Section 1.7 should be rewritten to reflect the action taken.

**Recommendation 4: Revise section 1.3 to highlight the relevant key themes without quoting from the documents.**

**Revise section 1.7 to set out the final position on the SEA / HRA screening reports.**

### Vision and Objectives

- 3.15 The Plan's vision has been developed through discussion with the local community. Reference to this should be included in paragraph 3.1.3 rather than being in the Vision box itself. The Vision statements of the AONB Management Plan and the Local Plan are quoted in the introductory section. In order to provide a clearer focus on the Plan's Vision, it is recommended that the Vision statements set out on page 24 from other sources are deleted.
- 3.16 Eight objectives have been set out. The justification sets out how they have been delivered through the Plan. Historic England has made a representation that proposes revisions to objectives (I) and (II) to ensure that they are consistent with local and national policies by deleting the words "compatible with" and replacing it with more appropriate wording. I also recommend that "compatible with" in objective (VI) should be replaced. These revisions would improve the wording of the objectives and ensure that they are consistent with national and local policies.
- 3.17 LCC considers that Objective (III) which refers to "meeting the housing needs of the Parish" is too restrictive. They argue that the village is a sustainable settlement and there is a need for the Plan to ensure that the housing needs of the wider rural area are achieved. Whilst the Housing Needs Survey has ascertained the housing needs of the parish, the village is considered to be capable of helping to deliver housing to meet the housing needs of a wider rural area.
- 3.18 I agree with the sentiments expressed, however it is not possible for the WNP to determine and plan for the housing needs arising from outside the plan area. This requires guidance to be set out in the Local Plan. To ensure that

the Objective is not unduly restrictive, it is recommended that “of the Parish” is deleted.

**Recommendation 5: Delete the Vision statements from other Plans from page 24 of the WNP. Delete the following “Based on engagement with the community and the key issues identified” from the Vision box and add the text to paragraph 3.1.3.**

**Revise Objective (I) to read: Development *conserves and enhances* the existing.... “.**

**Revise Objective (II) to read: “.....village of Wray to *sustain and enhance* the Conservation Area at its core.”**

**Revise Objective (III) to read: “The housing needs are met ....”.**

**Revise Objective (VI) to read: “Development safeguards and enhances....”**

### **Policy OS1 Development Strategy**

- 3.19 Although the policy is entitled “Development Strategy” its focus is on delivering sustainable development and this may be a more appropriate title.
- 3.20 The second paragraph states that “*Development that harms this purpose or which would have an adverse impact on an international, national or locally designated site will not be permitted*”. It is considered that this ties the hand of decision makers and does not have regard to NPPF paragraph 2 as there may be other policies or material considerations that should be taken into account. Development Management DPD Policy DM27 sets out the approach to considering development proposals on internationally and nationally designated biodiversity sites in accordance with NPPF paragraph 113. Distinctions are made between the hierarchy of international, national and local sites so that protection is commensurate with their status. LCC has commented that the WNP does not clearly define locally designated sites. It is therefore recommended that the sentence is deleted.
- 3.21 Historic England has commented to say that the policy should include reference to the conservation and enhancement of the historic environment, heritage assets and their setting in line with national and local policies. I agree that the policy has not given adequate weight to heritage matters and propose revisions to ensure that it better reflect national and local policies.
- 3.22 LCC has confirmed that Wray has been defined as a sustainable settlement in the Local Plans since 2004. The status has been carried forward into the emerging Strategic Policies & Land Allocations DPD. It is noted that Wray with Botton PC has lodged representations to Wray’s position as a sustainable settlement.

- 3.23 LCC has expressed concern about the narrow focus of the WNP in only meeting the housing needs of the Parish. I agree that growth and investment should not be restricted to the needs of the Parish only as the settlement may have the potential to provide for the community needs of residents of the surrounding more remote rural areas. It is recommended that this limitation is deleted from the third paragraph of the policy.
- 3.24 LCC has expressed concern that the Plan has not been sufficiently proactive and positive in the consideration of development opportunities in the area. They consider that sites have been discounted prematurely and opportunities for potential housing delivery have been missed.
- 3.25 In the light of these inconsistencies, LCC has doubts about the robustness of the conclusions of the site assessment work and as a consequence whether the Plan is positive enough in pursuing opportunities to meet future development needs.
- 3.26 The Council cites the misapplication of the S106 agreement referred to in paragraphs 2.4.2 and 2.4.3 of the Plan which is considered to act as a restraint on development to the east of the village. The Parish Council and LCC have provided me with legal opinions about the S106 agreement. The agreement prohibits the development of the land and is binding on the successors in title. There is, however, legal provision for LCC to revoke the S106 should they wish to remove the restriction on all or part of the site so that it may be allocated for development.
- 3.27 The second example refers to inconsistencies between the findings of the Parish Council's landscape assessment and that prepared by LCC. It is clear that the report prepared by Alison Farmer for the Parish Council is a more detailed report and has considered the findings of the Arcadis report prepared for the District as a whole as part of its assessment of the landscape of the Plan area. The report does conclude in paragraph 7.2.10 that "*there is some capacity for housing in the southern part of site WR1*". LCC is concerned that the findings have been discounted without any clear or robust justifications.
- 3.28 I am satisfied that the Site Assessment Report has been a comprehensive appraisal of the sites around the village and has taken account of, amongst other things, the findings of the City Council's SHLAA, the landscape assessment and the importance of the sites for use during the scarecrow festival as well as the S106 agreement. The selected sites have been considered through consultations.
- 3.29 It is suggested that should additional sites be required for housing development when the Plan is reviewed in the future, the revocation of the S106 agreement should be considered and it should not be viewed as an insurmountable constraint.
- 3.30 Under the heading of "Major Development" the policy includes a number of statements that are either quoted from or interpret the NPPF guidance in paragraph 116 on major development in AONBs. The sections add no locally

specific guidance on the matter and it is therefore recommended that they should be deleted from the policy. The explanatory text in the justification should be retained and paragraph 4.3.10 amended to delete reference to the policy setting out the approach to considering major development and replacing it with reference to the NPPF.

- 3.31 Under the heading of “Brownfield Land” the text is a reminder that the impact of a development on brownfield land should be given full and careful consideration on the AONB. The section adds no locally specific guidance on the matter and it is therefore recommended that it should be deleted from the policy. The explanatory text in paragraph 4.3.12 of the justification provides general guidance on how development on brownfield sites should be considered although it is recommended that it be strengthened to include reference to the “historic environment, heritage assets and their setting”.

**Recommendation 6: Revise Policy OS1 as follows:**

**Revise the title of the policy to “Delivering Sustainable Development”**

**Delete “*Development that harms this purpose or which would have an adverse impact on an international, national or locally designated site will not be permitted*”.**

**Delete “within the Parish” from the third paragraph.**

**Add the following at the end of the third paragraph: “historic environment, heritage assets and their setting”.**

**Revise criterion (I) by deleting “settlement” and replacing it with “historic environment, heritage assets and their setting”.**

**Delete the section headed Major Development and the subsequent criteria. Delete the following from paragraph 4.3.10: “The policy sets out.....AONBs.”**

**Delete the section headed Brownfield Land and paragraph 4.3.11. Add the following to the end of paragraph 4.3.12 “or historic environment, heritage assets and their setting”.**

**Policy OS2 Landscape**

- 3.32 The policy requires development proposals to demonstrate how they will conserve and enhance the landscape and natural beauty of the area. The second sentence sets out the circumstances where “proposals will not be permitted”. As stated previously this form of wording does not have regard to national guidance. It is recommended that it be revised to read “Proposals should not....”
- 3.33 Criterion (III) refers to proposals respecting views (including those into and out from the AONB). A number of viewpoints in Wray village are shown on

Proposals Map 2 and it is recommended that these should be cross referenced to this policy and it should refer to the Plan area rather than the AONB. The QB has commented that the criterion is not limited to these viewpoints. A recommendation is made to improve the clarity of the criterion.

- 3.34 I have asked the QB and LCC how it is intended that criterion (IV) is to be applied in considering development proposals. LCC has suggested that it is for developers and decision makers to ask themselves: “Can the impacts of this development proposal (in the context set out in the policy) on the landscape character and visual amenity be mitigated?” If yes, proceed with drawing up proposal/considering proposal in principle (i.e. subject to all other considerations). If no, modify or refuse permission. It is recommended that this explanation should be added to the justification to aid the interpretation of the criterion for developers and decision makers.

**Recommendation 7: Revise Policy OS2 as follows:**

**Revise the second sentence to read “Proposals *should not have an adverse impact on.....*”**

**Revise criterion (III) to read: “respect visual amenity, *views within, into or out of the Neighbourhood Plan area (including but not limited to those shown on the Proposals Map),.....*”**

**Add the following to the justification to aid the interpretation of criterion (IV): “*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 drawing up proposal/considering proposal in principle (i.e. subject to all other considerations). If no, modify or refuse permission.*”**

## **Built Environment**

### **Policy BE1 Design**

- 3.35 The policy sets out a number of matters that are to be taken into account in considering the design of development. LCC has commented that the policy is confusing and repetitive. I have asked the QB and LCC to consider and agree revisions to the policy to simplify and clarify it. The recommendation reflects the wording that has been agreed subject to an amendment in criterion (II) to replace “AONB” with “Plan area”.

**Recommendation 8: revise Policy BE1 as follows:**

***“For development proposals in the Neighbourhood Plan area the highest standards of design and construction will be required to***

*conserve and enhance the landscape, built environment, distinctive settlement character and historic, cultural and architectural features.*

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

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

### **Policy BE2 Local Design Panels**

- 3.36 This policy proposes that members of the Parish Council and representatives of the Forest of Bowland AONB Joint Advisory Committee should be included in Local Design Panels.
- 3.37 This is a procedural matter and not a land use planning policy. It is recommended that it is deleted. The policy may be included in the Plan as Community Action.

**Recommendation 9: Delete Policy BE2. Include it in a new section of the Plan on Community Actions noting that this is an aspiration of the Parish Council and not a land use planning policy.**

## Housing

### Policy H1 Housing Development

- 3.38 Core Strategy Policy SC3 and the Development Management DPD Policy DM42 identify Wray as a sustainable community. Policy SC3 states that an allowance of 10% of new homes is made to accommodate development to meet local needs in villages.
- 3.39 As part of its preparation for the emerging Local Plan LCC has prepared its objectively assessed housing needs. However, no apportionment has been set out of the amount of housing growth for each village. In accordance with NPPF paragraph 54, as the sustainable village is one that has a minimum level of 5 services, it is expected to help to meet the housing needs of more remote or isolated rural communities.
- 3.40 The WNP has been prepared on the basis of meeting the priority for identified affordable and other local housing needs within the capacity of the landscape. A Housing Needs Survey has been undertaken of households in the parish. With a response rate of 58.6% this identified a need for 9 affordable dwellings of varying types and sizes by 2020 in addition to other housing needs that would be met through the open market. No indication has been provided of the likely scale of housing need in other nearby parishes.
- 3.41 Development Management DPD Policy DM41 sets targets for affordable housing in a rural area of 20% on sites of between 5 and 9 dwellings and of 30% of sites of 10 or more dwellings. Policy DM42 sets out provisions for rural exceptions sites.
- 3.42 Policy H1 gives support to housing development where the maximum number of affordable homes is to be delivered. To improve the clarity of the policy, it is recommended that reference to the need to test the viability of development proposals is included. I give further consideration to the provision of affordable housing under Policy H2 which sets a target of at least 50% affordable housing.
- 3.43 The figures in the Plan demonstrate that 28 new dwellings are proposed as either commitments or allocations and this amounts to a 13% increase in the number of households in the parish.
- 3.44 The only current strategic guidance on the level of growth is that in Policy SC3 which proposes an allowance of 10% of the overall housing requirements of the Lancaster District Core Strategy. Both the LPA and QB have highlighted that the 10% figure is a generic figure for the rural area of the district as a whole and the ability to deliver such growth will be determined by development opportunities or physical constraints.
- 3.45 LCC is seeking to provide indicative housing growth figures for neighbourhood plan areas, including Wray-with-Botton, in the new Local Plan. However, these figures will only be robustly tested at Examination in early 2019 and cannot therefore be given weight in the WNP Examination.



- 3.46 In the absence of strategic guidance on how the parish should accommodate housing needs from the surrounding remote rural areas, I have to conclude that the Plan is supporting the delivery of new homes for the parish that will contribute to the current rural areas allowance of 10% of the overall housing requirements of the Lancaster District Core Strategy. It is suggested that once robust figures have been agreed through the new Local Plan, the housing provision in the WNP area should be reviewed.
- 3.47 The third paragraph states that affordable housing is to be delivered in accordance with demand. However, the Proposals Map includes phasing for the Hoskins Farm site of between 6-10 years with the other sites of between years 1-5. Paragraph 4.5.3 explains the expected date the Hoskins Farm site will be released. In view of the small scale of the sites and low level of development that is proposed in the plan area, it is considered unnecessary to phase the sites. In any case it may be difficult to enforce phasing should the circumstances around the timing of the release of any of the sites change.
- 3.48 The final paragraph of the policy refers to development proposals affecting international, national or locally designated sites not being permitted. It is unclear what is meant by “designated sites”. Development Management DPD Policy DM27 sets out the approach to considering development proposals on internationally and nationally designated biodiversity sites in accordance with NPPF paragraph 113 which states that distinctions should be made between the hierarchy of international, national and local sites so that protection is commensurate with their status. It is therefore recommended that this paragraph should be deleted although the footnote referring to Policy DM27 may be retained in the justification for information.
- 3.49 Six sites are set out in a box beneath the policy and headed “Allocated Sites”. Three of these sites already have planning permission and should therefore be identified as commitments in the justification. The sites to be allocated should be included in the box for Policy H1. It is noted that site WR9 Old Chapel Field has been omitted from Proposals Map in error.
- 3.50 Paragraph 4.5.6 and the subsequent table identify three sites as suitable sites with potential to come forward for housing in the plan period. However the landowners have not given a positive confirmation that the sites are available. As these are not allocations, I am therefore recommending that paragraph 4.5.6 and the subsequent table be deleted. Paragraph 4.5.7 should be revised to delete the higher figure of 40 and 18%. The suitability and deliverability of the sites should be reviewed as and when the WNP is updated.
- 3.51 The Housing Sites Selection and Assessment report includes Key Development Considerations for the development of each site. Historic England has suggested that they should be referred to in the policy. I agree that these important considerations should be included in the policy to provide guidance for plan users on the nature of the development and the environmental safeguards required.

- 3.52 Historic England has lodged a number of representations to the site assessment report for the following sites: Hoskins Farm, the Old Chapel Field, the New Inn and the New Inn Car Park, that insufficient consideration has been given to the significance of the heritage assets and the potential impact of the development of the sites on their settings and the conservation area.
- 3.53 I have asked the LPA to consider the points made and undertake a Heritage Impact Assessment of the sites. This has been undertaken by the Council's Conservation Officer and includes conclusions and recommendations for each development site. It is recommended that these should be included in an Appendix to the Plan and the key recommendations included in the Key Considerations for each site.

**Recommendation 10: revise Policy H1 as follows:**

**Add the following at the beginning of the second paragraph: “*Subject to the assessment of viability, new housing development .....*”**

**Delete the second sentence of paragraph 3 of the policy “The delivery of affordable housing shall be phased...at any one time.”**

**Delete the final paragraph of the policy “Development which .....**will not be permitted.”

**Include a new paragraph in Policy H1: “*Housing developments shall take account of the Key Considerations set out in Appendix 3 on Site Selection and Assessment and the recommendations in Appendix X on Heritage Impact Assessment.*” Include the Key Considerations within Policy H1 for the site allocations WR5, WR9 and WR11.**

**On the Proposals Map, show site WR9, differentiate between housing commitments and allocations and delete the phasing periods.**

**Delete paragraph 4.5.6 and the subsequent table. Revise paragraph 4.5.7 to read “...would therefore be about 28...representing an increase of 13% ....”**

**Policy H2 Housing Provision**

- 3.54 This policy seeks to set an affordable housing target of at least 50%, although it includes provision for a lower percentage where it can be demonstrated to be unachievable. LCC has commented that the robustness of the evidence for the 50% requirement which is set out in the relevant policy in the emerging DPD, is still being investigated. In the circumstances, the requirement should be deleted as it cannot be demonstrated to be deliverable.
- 3.55 I have asked the QB to supply me with the evidence to support their target of 50%. They have stated that they are relying on the evidence prepared for the

Publication Draft Local Plan which is promoting a 50% affordable housing requirement across the AONB areas and that there is no evidence that this requirement is any less deliverable on the Hoskins Farm site than on any other sites within either of the AONBs.

- 3.56 However, the Local Plan's 50% requirement has yet to be tested at examination, and so may change before adoption. In the circumstances, it is recommended that Policy H2 should be revised to refer to the Local Plan policy which sets the affordable requirement for the Local Plan area's AONBs (currently Policy DM6).
- 3.57 The Plan is not clear in how it will help to deliver sites needed to meet the current housing needs of the area, particularly for affordable housing. The Plan could have selected a rural exceptions site under Policy DM42. But this opportunity has not been pursued. Other than the Hoskins Farm site which is unlikely to be delivered for at least five years, sites for new housing are small and are unlikely to deliver any affordable housing to meet the currently identified need.
- 3.58 Much of Policy H2 repeats the wording in Policy H1. This is unnecessary and I recommend that the repetitious text should be deleted.
- 3.59 The fourth paragraph of the policy is an explanation of the need for a continuing supply of affordable housing and the need for close working with Registered Providers. This is not policy and should be placed in the justification. Reference to phasing should be deleted in accordance with my recommendation on Policy H1.
- 3.60 Part of criterion (II) supports proposals that restrict occupancy to sole/main residence. I have asked the QB for their evidence to support this policy restriction. They have replied that they do not have any specific local evidence. In view of the lack of robust evidence, it is recommended that reference to restricting occupancy to sole/main residence should be deleted from criterion (II) and the last sentence of paragraph 4.5.9.

**Recommendation 11: revise Policy H2 as follows:**

**Revise the first sentence of Policy H2 to read: "...proposals for new housing development *should deliver affordable housing in accordance with the adopted Local Plan policy on affordable housing, taking into account the assessment of viability of the development.*"**

**Delete paragraph 2, the second sentence of paragraph 3 and criterion (I).**

**Place the fourth paragraph in the justification and delete "phased".**

**Delete "or restrict occupancy to sole/main residence" from criterion (II) and delete the last sentence from paragraph 4.5.9.**

## Rural Economy

### Policy RE1 Economic Development

- 3.61 Policy RE1 sets out the type of development that will be supported in the AONB in order to bring economic and community benefits.
- 3.62 Criterion (I) includes “allocated mineral extraction or waste management” which are considered to be excluded development under section 61K of the Town and Country Planning Act 1990. It is recommended that the term be deleted.
- 3.63 Historic England has commented on criterion (III) which gives support to economic development for the purpose of conservation or enhancement of sites of heritage, biodiversity or geodiversity. These are factors taken into consideration in assessing the suitability of sites and buildings for development proposals rather than business uses. It is considered that this criterion is unclear and imprecise. The need to consider the assessment of these matters is adequately addressed in Local Plan policies and the criterion should be deleted.
- 3.64 Criterion (IV) supports residential extensions or extensions to outbuildings. The QB has confirmed that it is intended that they are to provide space for employment purposes. They have proposed a revision to the criterion which I recommend should be made.
- 3.65 Criterion (VI) refers to micro-growth points for business development. The QB has explained that this term means very small scale development that supports the growth or diversification of new or existing businesses which may include but is not restricted to live-work units. It would be helpful to plan users if this explanation were included in the justification to the policy.
- 3.66 Local Plan Policies DM8 and DM9 set out a number of criteria that are to be satisfied in the conversion or re-use of rural buildings and agricultural buildings. It is therefore recommended that Policy RE1 makes reference to both these policies as part of the requirements. A revision to paragraph two of the policy is recommended.
- 3.67 The third paragraph of the policy refers to development proposals affecting international, national or locally designated sites not being permitted. It is unclear what is meant by “designated sites”. Development Management DPD Policy DM27 sets out the approach to considering development proposals on internationally and nationally designated biodiversity sites in accordance with NPPF paragraph 113 which states that distinctions should be made between the hierarchy of international, national and local sites so that protection is commensurate with their status. It is therefore recommended that this paragraph should be deleted although the footnote reference to Policy DM27 may be retained in the justification for information.
- 3.68 The final paragraph of the policy seeks to safeguard land below the 50m AOD contour. Whilst I can appreciate the aspirations of the plan makers to

safeguard the areas of better quality land in the parish, national planning policy states that best and most versatile land refers to land classified as grades 1, 2 and 3a. Paragraph 4.6.6 of the WNP acknowledges that most of the land is Grade 3b. It is considered that this aspect of the policy has not had regard to national planning policy and a modification is recommended to delete the paragraph.

- 3.69 Paragraphs 4.6.3 to 4.6.5 describe various historic and environmental features of the plan area. To aid interpretation of the policy, it is recommended that these descriptive paragraphs should be deleted from the justification to this policy and may be included under the sections on the historic and natural environment as appropriate.
- 3.70 Paragraph 4.6.8 includes reference to a “site for potential commercial development” adjacent to Bridge House Tea Rooms. As the landowner has not indicated a willingness to bring the site forward it cannot be considered as deliverable as a proposal of the Plan and should be deleted from the Plan. It may be reconsidered as and when the Plan is reviewed.
- 3.71 LCC has commented that the policy should make it clear that it refers to “sustainable economic growth”. I agree that it would be helpful to make this explicit in the title to the policy.

**Recommendation 12: Revise Policy RE1 as follows:**

**Revise the title of the Policy to “*Policy RE1: Sustainable Economic Development*”.**

**Delete “allocated mineral extraction or waste management” from criterion (I).**

**Delete criterion (III).**

**Revise criterion (IV) to read: “House extensions or extensions to outbuildings for economic (*non-residential*) purposes that are ancillary to the existing dwelling and are sympathetic to the character of the original building and its setting;”**

**Revise criterion (V) to read: “*Subject to satisfying the requirements of Local Plan Policy DM9 or its successor policy in the emerging Local Plan, sensitive conversions.....*”**

**Revise the second paragraph to read “*Subject to satisfying the requirements of Local Plan Policies DM8 or DM9 or its successor policy in the emerging Local Plan, the re-use of rural buildings or agricultural buildings to support tourism and the visitor economy will be supported.*”**

**Delete the third paragraph: “Development which would.....will not be permitted.”**

**Delete the final paragraph of the policy and paragraph 4.6.6.**

**Delete paragraphs 4.6.3 and 4.6.4.**

**Delete the last two sentences from paragraph 4.6.8 “However, one site (C1)....commercial development) and site C1 from the Inset Map for Wray Village.**

**Add an explanation in the justification of the term micro-growth points: “*These are very small scale developments that support the growth or diversification of new or existing businesses which may include but is not restricted to live-work units.*”**

## Natural Environment

### Policy NE1 Conservation and Enhancement of the Natural Environment

- 3.72 The policy seeks to safeguard the natural environmental features of the AONB including those of biodiversity value, landscape and trees and hedgerows. Three policies in the Development Management DPD: DM27 on Protection and Enhancement of Biodiversity, DM28 on Development and Landscape Impact and DM29 on Protection of Trees, Hedgerows, and Woodland provide a clear framework for considering development proposals affecting the natural environment. The role of a policy in a neighbourhood plan should be to provide a more detailed policy approach based on an understanding of the local circumstances.
- 3.73 Policy NE1 is a wordy policy which is partly descriptive. However, it provides very little additional understanding of the biodiversity and natural assets of the plan area. There is a degree of overlap with Policy OS2 on Landscape. It refers to the Forest of Bowland AONB but makes no mention of the biodiversity sites including the SPA, Biological Heritage Site and SSSI that are shown on the Constraints Overview Map. It seeks the reinforcement of green corridors but does not identify them. It refers to the characteristics of the AONB including those that do not enjoy formally protected status. No explanation is given as to which these sites are.
- 3.74 The QB has supplied me with a paragraph for the justification that describes the biodiversity assets of the plan area including the significance of the Forest of Bowland SPA, the Biological Heritage Site and the SSSI shown on the Environmental Constraints map in Appendix 4. It is recommended that this text should be included in the justification.
- 3.75 It is considered that the first three paragraphs of the policy do not add a local dimension to that set out in the Development Management Policies. They are unclear and imprecise and would be difficult for decision makers to implement consistently. There is an overlap in the approach to landscape conservation and enhancement with Policy OS2. It is recommended therefore that the first

three paragraphs of the policy should be deleted and the title of the policy revised to reflect the revised policy.

- 3.76 The fourth paragraph of the policy refers to the removal or damage to trees, woodland and hedgerows. The conservation of the hedgerows marking historic field patterns is identified as important. This paragraph adds some localised policy matters to that set out in Policy DM29 and is therefore considered worthy of retention. The policy gives attention to the replacement of any trees lost through development but places limited emphasis on their retention. In response to my question, the QB has proposed revisions to the wording of the policy that strengthens the policy in this respect. I recommend that the policy and justification be revised accordingly.
- 3.77 Paragraph 4.7.1 should be revised to explain that development proposals that affect the natural environmental assets should be considered against the relevant Local Plan policies. Paragraph 4.7.2 should be revised to remove reference to the Parish Council's viewpoint.

**Recommendation 13: Delete the first three paragraphs of Policy NE1.**

**Revise the title of Policy NE1 to “*Protection and enhancement of Trees, Woodland and Hedgerows.*”**

**Add the following at the beginning of the fourth paragraph of Policy NE1 to read: “*New development should protect and enhance existing trees, woodland and hedgerows unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall, and should positively incorporate new trees, woodland and hedgerows where possible.*”**

**Revise the last sentence of the fourth paragraph of the policy to read: “The conservation of those hedgerows.....habitat connectivity as well as for their contribution to .....Wray Conservation Area.”**

**Revise paragraph 4.7.1 to read: “*Development proposals that affect the natural environmental assets and sites of biodiversity importance will also be considered against Development Management DPD Policies DM27, DM28 and DM 29 or their successor policies.*”**

**Delete the third sentence from paragraph 4.7.2: “The Parish Council felt that....would be useful. Therefore”.**

**Revise paragraph 4.7.3 to reflect the revisions to the policy wording to emphasise the protection and enhancement of trees, woodland and hedgerows.**

**Add a new paragraph to describe the biodiversity assets shown on the environmental constraints map in Appendix 4 as follows:**

***“The Neighbourhood Plan Area includes a number of areas which have been designated for their environmental importance at an International,***

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

### **Policy NE2 Local Green Space**

- 3.78 Two sites are proposed to be designated as Local Green Space following an assessment carried out in accordance with LCC's methodology. This is contained in Appendix 5 of the Plan. It is considered that both sites meet the criteria of NPPF paragraph 77.
- 3.79 Lancashire County Council has made a representation to the designation of the school playing field as the designation may prevent the necessary development of school facilities. However, Policy NE2 includes provisions for development that supports community services to be considered appropriate development and it is considered that this would be sufficient to enable provision to be made of any necessary development for additional school premises.
- 3.80 The first paragraph of the policy should make it clear that the sites are designated as "Local Green Space". The second sentence describing how the sites have been selected is unnecessary and it is recommended that it be deleted.
- 3.81 The penultimate paragraph refers to development being in accordance with paragraphs 89 and 90 of the NPPF. This is the 2012 NPPF which gives guidance on Green Belt policy. It is unnecessary and it is recommended that it be deleted.
- 3.82 The final paragraph states that regard should be given to any designation for another purpose, particularly one of higher level protection. It is not clear what this is referring to as the Local Green Space designation is of national importance. Where there is a conflict between the WNP and any future Local Plan policies, national guidance is that the latest policies should apply. It is recommended that the last paragraph should therefore be deleted.



**Recommendation 14: Revise Policy NE2 as follows:**

**Revise the first sentence of the first paragraph to read: “The areas listed below are designated as Local Green Space.”**

**Delete the second sentence of the first paragraph: “These LGS have been put forward.....importance.”**

**Delete the penultimate and final paragraphs of the policy.**

**Policy NE3 Historic Environment**

- 3.83 LCC and Historic England have made a number of comments on the wording of this policy. I have asked the QB and LCC to review the policy wording and agree revisions in response to the comments made in the representations. I consider that the revisions proposed add clarity to the policy and ensure that it is in conformity with national and local strategic policies on the historic environment.
- 3.84 The Proposals Map shows three non designated heritage assets. LCC has informed me that they are currently working on compiling a list of Local Heritage Assets. The three non designated heritage assets highlighted on the Proposals Map will be considered against the selection criteria for inclusion in the Council’s List.
- 3.85 As the non-designated heritage assets have not yet been included in the Council’s List of Non-Designated Heritage Assets, they should be deleted from the Proposal Map. They could be included in the WNP on a separate map as “Proposed Non-Designated Heritage Assets”.
- 3.86 I have recommended under Policy COM1 that the Green Corridor on the western bank of the River Roeburn should be recognised under Policy NE3 for its contribution to the character of the Conservation Area. Reference to the area should be included in paragraph 4.7.13.

**Recommendation 15: revise Policy NE3 as follows:**

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

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

**“Development proposals affecting designated or non-designated heritage assets, *the latter of which may either be identified on the***

Council's Local List, the Historic Environment Record or that are discovered during the application proposals, will be supported provided that:

- “(I) *They conserve and enhance the significance of the asset. This may include schemes that specifically aim to (or include measures to) protect, restore or enhance historic assets or features;*
- “(II) *They conserve and enhance the character and local distinctiveness of the area through design, scale and materials used; and*
- “(III) *They promote the enjoyment, understanding and interpretation of the assets as a means of maximising wider public benefits which reinforce the character of the village of Wray and sense of place within the Forest of Bowland AONB.*

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

**Add the following to paragraph 4.7.13: “The green corridor and riverside walk along the western bank of the River Roeburn contribute to the character of the conservation area and the setting of the village.”**

**Delete the Non Designated Heritage Assets from the Proposals Map. Include them on a map of Conservation Area Assets as “*Proposed Non-Designated Heritage Assets*”. Indicate the Green Corridor along the northern bank of the River Roeburn on this map.**

## Community

### Policy COM1 Community Assets and Local Services

- 3.87 Policy COM1 lists a number of community assets which are to be safeguarded. Any proposals that would result in their loss are to be considered against the criteria set out in Local Plan Policy DM49.
- 3.88 The sites are shown on the Proposals Map as numbered stars. It is recommended that they are shown in a way that the boundaries of the sites / buildings can be determined so that the policy can be used consistently by decision makers. The sites should be numbered (instead of bullet points) in the policy consistent with that on the Proposals Map.
- 3.89 LCC has commented that the policy does not address proposals to provide new community assets. It is noted that this matter is addressed in Local Plan Policy DM49.

- 3.90 Site 5 on the Map is described as the “former” Friends Meeting House. The Qualifying Body has confirmed that the building is used by the community as the Methodist Chapel Sunday School. I consider that it is appropriate to identify this building as a community asset.
- 3.91 LCC has raised concerns about the inclusion of agricultural land used for the fairground and car parking for the Scarecrow Festival (site 10). The QB has explained this is a long standing community event and the area is the most suitable for this popular event. The QB has provided me with a map showing the area of agricultural land used for car parking which covers the three fields marked with a star no 10 on the Proposals Map and two additional fields to the north and west of the village which are not shown on the Proposals Map.
- 3.92 I have asked the QB about the planning and legal status of the use. It is undertaken through an agreement with the landowner and tenant. No evidence has been provided to show that planning permission has been granted for the use and I therefore presume that the use is undertaken as permitted development use of the land for a limited period of time.
- 3.93 This is an extensive area of agricultural land. Should the landowner no longer wish to offer the fields for the temporary car parking, planning permission would not be required to discontinue the use and Policy COM1 could not be applied. Policy COM1 would place an unnecessary restriction on the land and it is considered that it would be impractical to apply Policy DM49 to proposals for any other forms of development on part of the land. It is therefore recommended that the land used for car parking for the scarecrow festival should be deleted from the policy and Proposals Map.
- 3.94 The Policies Map includes an additional site (11) which is not included in the list in Policy COM1. The QB has explained that this site was omitted for the text of Policy COM1 in error. The site is an attractive area of land alongside the river crossed by the riverside walk; it is identified in the Conservation Area Report. The site had been proposed as a Local Green Space but was considered to be not sufficiently special to justify designation. As an informal open space, it is considered that it would be more appropriate to recognise its important contribution to the conservation area under Policy NE3 in paragraph 4.7.14. It is recommended that it should be deleted from the Proposals Map.

**Recommendation 16: Revise Policy COM1 as follows:**

**Delete Community Asset sites 10 from the Proposals Map.**

**Delete site 11 from the list of Community Assets on the Proposals Map. Include reference to the area in paragraph 4.7.13.**

**List and number the assets in Policy COM1 and the key to the Proposals Map in the same order and shown the boundaries of the sites/buildings.**

## Transport and Infrastructure

### Policy TRA1 Infrastructure for New Development

- 3.95 The first paragraph seeks contributions from new development towards new or improved infrastructure. The last paragraph and final three criteria list improvements to transport that may be sought from development proposals.
- 3.96 However, these paragraphs do not make it clear that contributions can only be sought from those development proposals which, if it can be shown through appropriate Transport Assessments, require contributions to be made to infrastructure improvements. The policy should reflect the legal tests for planning obligations.
- 3.97 A neighbourhood plan policy cannot dictate spending priorities. It can only provide guidance as to how planning applications are to be determined. Therefore, a policy can only deal with developer contributions which are made under the planning obligation. Not only are these required to meet the test of paragraph 201 of the 2012 NPPF but also, only five pooled contributions can be made towards any one project. That is a requirement laid down by Regulation 122 of the Community Infrastructure Levy Regulations 2010. Contributions therefore can only be collected towards any of the schemes set out in the policy, if there is a direct relationship to that development.
- 3.98 I therefore do not consider that it is appropriate to list all projects in the policy, but these projects can however be set out in the Community Projects section of the Plan which could be included in an Appendix. It should be made clear that it is not to be taken as development plan policy. I will be recommending changes to the first part of the policy.
- 3.99 The second paragraph of the Policy requires compliance with relevant Local Plan policies and refers to issues raised in the Highways and Transport Master Plan. It is considered that reference to Local Plan policies and other documents would be appropriately included in the justification to the policy.
- 3.100 The third paragraph of the policy and three criteria following set out spending priorities for contributions from S106 agreements and CIL.
- 3.101 A neighbourhood plan policy must be a policy “related to the use and development of land”. A neighbourhood plan sets out planning policies that will be used to determine planning applications (PPG para 002 reference ID 41–0 02–20140306). It goes on to recognise that “*neighbourhood planning can inspire local people and businesses to consider other ways to improve the neighbourhood than through the development and use of land. They may identify specific actions or policies to deliver these improvements. Wider community aspirations than those related to the use and development of land can be included in the neighbourhood plan but actions dealing with non land use matters should be clearly identified.*”
- 3.102 I consider that this policy as written does not relate to development proposals. In fact, the policy lists the type of proposals the Parish Council will be seeking

to improve: off street parking, improvements to footpaths and the local environment. As such it is a Community Aspiration or Project not a land use planning policy. It is recommended that it be included in a separate section of the Plan as a Community Project.

**Recommendation 17: Revise Policy TRA1 as follows:**

**Replace the first and fourth paragraphs with “*Where development proposals are shown through evidence to be required to contribute towards any of the following schemes, so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation. Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.*” List the schemes set out in the final three criteria of the policy (“Improvements to the local network of cycleways ...”**

**Place the second paragraph in the justification.**

**Reframe the third paragraph and following criteria as a Community Project along the lines of “*The Parish Council will work with XXX to deliver the following projects through the use of S106, CIL, LIT etc.*” Place the policy in a separate section of the Plan headed Community Projects and explain that it is not a land use planning policy. Move relevant paragraphs of the justification to the Community Project justification.**

## Implementation and Monitoring

- 3.103 LCC has proposed a revision to paragraph 5.5 of this section of the Plan to read “...to deliver *sustainable* growth in new housing over the plan period to meet identified local needs.” I agree that this would better reflect the revisions recommended elsewhere in my report.
- 3.104 Paragraph 5.9 c) states that the Parish Council will undertake a strategic review of the Neighbourhood Plan every three years. It would be clearer to say that the PC will monitor the progress of implementing the NP and that any changes required to the policies will be undertaken through a review of the NP.

**Recommendation 18: revise paragraph 5.5 to read: “...to deliver *sustainable* growth in new housing over the plan period to meet identified local needs.”**

**Revise paragraph 5.9 c) to read: “c) The Parish Council will *monitor the progress of implementing* the Neighbourhood 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 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 Plan* in full collaboration with Lancaster City Council. Evidence will also be reviewed and updated as required.”**

## 4.0 Referendum

- 4.1 The Wray with Botton 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;
  - 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 Wray with Botton 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 the Lancaster City Council on 20 February 2015.

## 5.0 Background Documents

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

- Wray with Botton Neighbourhood Plan Submission Draft Version 2011 – 2031 and Appendices dated April 2018;
- Wray with Botton Neighbourhood Plan Basic Conditions Statement;
- Wray with Botton Neighbourhood Plan SEA Screening May 2017;
- Wray with Botton Neighbourhood Plan HRA Screening Report May 2017;
- Wray with Botton Neighbourhood Plan Consultation Statement May 2018;
- Wray with Botton Neighbourhood Plan Landscape Appraisal April 2017
- Wray with Botton Neighbourhood Plan Historic Impact Assessments November 2018
- National Planning Policy Framework March 2012 and July 2018;
- Planning Practice Guidance March 2014 (as amended);
- The Town and Country Planning Act 1990 (as amended);
- The Localism Act 2011;
- The Neighbourhood Planning (General) Regulations 2012;
- Lancaster City Local Development Framework Core Strategy (2003-2021) 2008;
- Lancaster City Local Plan Development Management DPD (2011 – 2031) 2014



## 6.0 Summary of Recommendations

**Recommendation 1: Revise the date of the Plan period to 2018 – 2031.**

**Recommendation 2: For the Plan to proceed, the LPA as the responsible body should correct the factual errors and omissions in the SEA Screening Report concerning the number of allocations and the significance of the heritage assets. Reference to the HIA and a summary of its conclusions should also be included. The HIA should be published as a separate background evidence report.**

**For the Plan to proceed, the LPA as the responsible body should correct the HRA Screening Table 3 and the screening conclusion to make it explicit that the revisions are to improve the clarity of the policies and are not mitigation measures.**

**The LPA should prepare an explanatory note summarising the corrections that have been made to the SEA and HRA Screening Reports that should be published alongside the corrected reports.**

**Recommendation 3: Include the Proposals Maps in the Plan rather than an Appendix.**

**Recommendation 4: Revise section 1.3 to highlight the relevant key themes without quoting from the documents.**

**Revise section 1.7 to set out the final position on the SEA / HRA screening reports.**

**Recommendation 5: Delete the Vision statements from other Plans from page 24 of the WNP. Delete the following “Based on engagement with the community and the key issues identified” from the Vision box and add the text to paragraph 3.1.3.**

**Revise Objective (I) to read: Development *conserves and enhances* the existing.... “.**

**Revise Objective (II) to read: “.....village of Wray *to sustain and enhance* the Conservation Area at its core.”**

**Revise Objective (III) to read: “The local housing needs are met ....”.**

**Revise Objective (VI) to read: “Development safeguards and enhances....”**

**Recommendation 6: Revise Policy OS1 as follows:**

**Revise the title of the policy to “Delivering Sustainable Development”**

Delete *“Development that harms this purpose or which would have an adverse impact on an international, national or locally designated site will not be permitted”*.

Delete “within the Parish” from the third paragraph.

Add the following at the end of the third paragraph: “historic environment, heritage assets and their setting”.

Revise criterion (I) by deleting “settlement” and replacing it with “historic environment, heritage assets and their setting”.

Delete the section headed Major Development and the subsequent criteria. Delete the following from paragraph 4.3.10: “The policy sets out.....AONBs.”

Delete the section headed Brownfield Land and paragraph 4.3.11. Add the following to the end of paragraph 4.3.12 “or historic environment, heritage assets and their setting”.

**Recommendation 7: Revise Policy OS2 as follows:**

Revise the second sentence to read “Proposals *should not have an adverse impact on.....*”

Revise criterion (III) to read: “respect visual amenity, *views within, into or out of the Neighbourhood Plan area (including but not limited to those shown on the Proposals Map),.....*”

Add the following to the justification to aid the interpretation of criterion (IV): “*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 drawing up proposal/considering proposal in principle (i.e. subject to all other considerations). If no, modify or refuse permission.*”

**Recommendation 8: revise Policy BE1 as follows:**

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

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

- I. Respond to the character of the landscape and local built environment including buildings, boundary treatments, open spaces, trees, roofscapes, village layout and have particular to*

*regard to the local vernacular, building to plot / green space ratios and to the quality, integrity, character and settings of natural, built and historic features;*

- II.** *Reinforce what is special and locally distinctive about design in the Plan area through the careful consideration of visual amenity, layout, views, scale, height, solid form and massing, proportions, alignment, detailing, lighting, materials used, colours, finishes and the nature of development;*
- III.** *Provide well designed landscape schemes that retain distinctive trees and include new structural planting that contributes to the character and amenity value of the area;*
- IV.** *Ensure that boundary treatments, screening and entranceways reflect local character and context including retention (or appropriate replacement where necessary) of existing features of value such hedgerows, trees, verges and traditional stone walls through careful consideration of materials and heights for gates, gateposts and fencing and the use of appropriate species for planting; and*
- V.** *Avoid using development that is harmful to landscape and settlement character to inform the design of new development or proximity to it as justification for further poor quality or harmful development.*

**Recommendation 9:** Delete Policy BE2. Include it in a new section of the Plan on Community Actions noting that this is an aspiration of the Parish Council and not a land use planning policy.

**Recommendation 10:** revise Policy H1 as follows:

Add the following at the beginning of the second paragraph: “*Subject to the assessment of viability, new housing development .....*”

Delete the second sentence of paragraph 3 of the policy “The delivery of affordable housing shall be phased...at any one time.”

Delete the final paragraph of the policy “Development which .....

will not be permitted.”

Include a new paragraph in Policy H1: “*Housing developments shall take account of the Key Considerations set out in Appendix 3 on Site Selection and Assessment and the recommendations in Appendix X on Heritage Impact Assessment.*” Include the Key Considerations within Policy H1 for the site allocations WR5, WR9 and WR11.

On the Proposals Map, show site WR9, differentiate between housing commitments and allocations and delete the phasing periods.

Delete paragraph 4.5.6 and the subsequent table. Revise paragraph 4.5.7 to read “...would therefore be about 28...representing an increase of 13% ....”

**Recommendation 11: revise Policy H2 as follows:**

**Revise the first sentence of Policy H2 to read: “...proposals for new housing development *should deliver affordable housing in accordance with the adopted Local Plan policy on affordable housing, taking into account the assessment of viability of the development.*”**

**Delete paragraph 2, the second sentence of paragraph 3 and criterion (I).**

**Place the fourth paragraph in the justification and delete “phased”.**

**Delete “or restrict occupancy to sole/main residence” from criterion (II) and delete the last sentence from paragraph 4.5.9.**

**Recommendation 12: Revise Policy RE1 as follows:**

**Revise the title of the Policy to “*Policy RE1: Sustainable Economic Development*”.**

**Delete “allocated mineral extraction or waste management” from criterion (I).**

**Delete criterion (III).**

**Revise criterion (IV) to read: “House extensions or extensions to outbuildings *for economic (non-residential) purposes that are ancillary to the existing dwelling and are sympathetic to the character of the original building and its setting;*”**

**Revise criterion (V) to read: “*Subject to satisfying the requirements of Local Plan Policy DM9 or its successor policy in the emerging Local Plan, sensitive conversions.....*”**

**Revise the second paragraph to read “*Subject to satisfying the requirements of Local Plan Policies DM8 or DM9 or its successor policy in the emerging Local Plan, the re-use of rural buildings or agricultural buildings to support tourism and the visitor economy will be supported.*”**

**Delete the third paragraph: “Development which would.....will not be permitted.”**

**Delete the final paragraph of the policy and paragraph 4.6.6.**

**Delete paragraphs 4.6.3 and 4.6.4.**

**Delete the last two sentences from paragraph 4.6.8 “However, one site (C1)....commercial development) and site C1 from the Inset Map for Wray Village.**

**Add an explanation in the justification of the term micro-growth points: “*These are very small scale developments that support the growth or*”**

*diversification of new or existing businesses which may include but is not restricted to live-work units.”*

**Recommendation 13: Delete the first three paragraphs of Policy NE1.**

**Revise the title of Policy NE1 to “*Protection and enhancement of Trees, Woodland and Hedgerows.*”**

**Add the following at the beginning of the fourth paragraph of Policy NE1 to read: “*New development should protect and enhance existing trees, woodland and hedgerows unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall, and should positively incorporate new trees, woodland and hedgerows where possible.*”**

**Revise the last sentence of the fourth paragraph of the policy to read: “*The conservation of those hedgerows.....habitat connectivity as well as for their contribution to .....Wray Conservation Area.*”**

**Revise paragraph 4.7.1 to read: “*Development proposals that affect the natural environmental assets and sites of biodiversity importance will also be considered against Development Management DPD Policies DM27, DM28 and DM 29 or their successor policies.*”**

**Delete the third sentence from paragraph 4.7.2: “*The Parish Council felt that....would be useful. Therefore*”.**

**Revise paragraph 4.7.3 to reflect the revisions to the policy wording to emphasise the protection and enhancement of trees, woodland and hedgerows.**

**Add a new paragraph to describe the biodiversity assets shown on the environmental constraints map in Appendix 4 as follows:**

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

**Recommendation 14: Revise Policy NE2 as follows:**

Revise the first sentence of the first paragraph to read: “The areas listed below are designated as Local Green Space.”

Delete the second sentence of the first paragraph: “These LGS have been put forward.....importance.”

Delete the penultimate and final paragraphs of the policy.

**Recommendation 15: revise Policy NE3 as follows:**

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

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

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

“(I) *They conserve and enhance the significance* of the asset. This may include schemes that specifically aim to (or include measures to) protect, restore or enhance historic assets or features;

“(II) *They conserve and enhance the character and local distinctiveness of the area* through design, scale and materials used; and

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

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

Add the following to paragraph 4.7.13: “The green corridor and riverside walk along the western bank of the River Roeburn contribute to the character of the conservation area and the setting of the village.”

Delete the Non Designated Heritage Assets from the Proposal Map. Include them on a map of Conservation Area Assets as “*Proposed Non-Designated Heritage Assets*”. Indicate the Green Corridor along the western bank of the River Roeburn on this map.

**Recommendation 16: Revise Policy COM1 as follows:**

Delete Community Asset sites 10 from the Proposals Map.

Delete site 11 from the list of Community Assets on the Proposals Map. Include reference to the area in paragraph 4.7.13.

List and number the assets in Policy COM1 and the key to the Proposals Map in the same order and shown the boundaries of the sites/buildings.

**Recommendation 17: Revise Policy TRA1 as follows:**

Replace the first and fourth paragraphs with “*Where development proposals are shown through evidence to be required to contribute towards any of the following schemes, so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation. Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.*” List the schemes set out in the final three criteria of the policy (“Improvements to the local network of cycleways ...”

Place the second paragraph in the justification.

Reframe the third paragraph and following criteria as a Community Project along the lines of “*The Parish Council will work with XXX to deliver the following projects through the use of S106, CIL, LIT etc.*” Place the policy in a separate section of the Plan headed Community Projects and explain that it is not a land use planning policy. Move relevant paragraphs of the justification to the Community Project justification.

**Recommendation 18: revise paragraph 5.5 to read: “...to deliver *sustainable* growth in new housing over the plan period to meet identified local needs.”**

Revise paragraph 5.9 c) to read: “c) The Parish Council will *monitor the progress of implementing* the Neighbourhood 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 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 Plan* in full

**collaboration with Lancaster City Council. Evidence will also be reviewed and updated as required.”**





Lancaster City Council  
WRAY-WITH-BOTTON NEIGHBOURHOOD PLAN

Decision Statement: Wray-with-Botton Neighbourhood Plan Proceeding  
to Referendum

**1.0 Summary**

- 1.1 In line with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (NPR) Lancaster City Council have produced this 'Decision Statement' in relation to the Wray-with-Botton Neighbourhood Development Plan (the 'Plan') submitted to them by Wray-with-Botton Parish Council.
- 1.2 The Plan sets out a vision for the Parish and establishes the type of development needed to help sustain the community. If made, it will become part of the development plan for land use and development proposals within the Parish until 2031.
- 1.3 Following an independent examination of written representations, Lancaster City Council now confirms that the Plan will proceed to a neighbourhood planning referendum subject to the modifications set out in the table below.
- 1.4 In accordance with the examiner's recommendation, the Wray-with-Botton Neighbourhood Plan will proceed to a public referendum scheduled for Thursday 30<sup>th</sup> May 2019.
- 1.5 This Decision Statement, along with the independent examiners report and the plan documents can be inspected at: <https://www.lancaster.gov.uk/planning/planning-policy/community-rights/neighbourhood-planning>

**2.0 Background**

- 2.1 On 11<sup>th</sup> November 2014 Wray-with-Botton Parish Council submitted an application to Lancaster City Council for the designation of the Parish as a Neighbourhood Area. The approval of the Neighbourhood Area Designation, for the Wennington Neighbourhood Plan, was made on the 6<sup>th</sup> March 2015.
- 2.2 The Parish Council subsequently prepared the Wennington Draft Neighbourhood Development Plan. The 6 week pre-submission consultation period ended on 15<sup>th</sup> October 2017.

**2.3** The Submission version of the Neighbourhood Plan for Wennington was completed and submitted to Lancaster City Council on 3<sup>rd</sup> May 2018. Lancaster City Council held a 6 week consultation period on the submitted Plan from 11<sup>th</sup> June 2018 until 23<sup>rd</sup> July 2018, in accordance with regulation 16 of the NPR.

**2.4** An Independent Examiner (Mrs Rosemary Kidd) was appointed in September 2018 to undertake the examination of the Submission version of the Wray-with-Botton Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 12<sup>th</sup> December 2018.

### **3.0 Decisions and Reasons**

**3.1** The Examiner has concluded that, with certain modifications, the Plan meets the Basic Conditions and other relevant legal requirements. The Council's Cabinet concurs with this view and has determined that the modifications set out in the table attached to this Statement are in accordance with the examiner's recommendations.

**3.2** The local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The table attached to this statement sets out the examiner's recommended modifications and the Council's decisions in respect of each of them.

**3.3** Lancaster City Council is therefore satisfied that, subject to the modifications being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation; thus the plan can proceed to referendum.

**3.4** Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question "**Do you want Lancaster City Council to use the Neighbourhood Plan for Wray-with-Botton to help it decide planning applications in the neighbourhood area?**" will be held on Thursday 30<sup>th</sup> May 2019.

## Examiner's Recommended Changes

	Proposed Change	Council response
<b>Recommendation 1</b>	Revise the date of the Plan period to 2018 – 2031.	<b>Accept the Change</b>
<b>Recommendation 2</b>	<p>For the Plan to proceed, the LPA as the responsible body should correct the factual errors and omissions in the SEA Screening Report concerning the number of allocations and the significance of the heritage assets. Reference to the HIA and a summary of its conclusions should also be included. The HIA should be published as a separate background evidence report.</p> <p>For the Plan to proceed, the LPA as the responsible body should correct the HRA Screening Table 3 and the screening conclusion to make it explicit that the revisions are to improve the clarity of the policies and are not mitigation measures.</p> <p>The LPA should prepare an explanatory note summarising the corrections that have been made to the SEA and HRA Screening Reports that should be published alongside the corrected reports</p>	<b>Accept the Change</b>
<b>Recommendation 3</b>	Include the Proposals Maps in the Plan rather than an Appendix.	<b>Accept the Change</b>
<b>Recommendation 4</b>	<p>Revise section 1.3 to highlight the relevant key themes without quoting from the documents.</p> <p>Revise section 1.7 to set out the final position on the SEA / HRA screening reports.</p>	<b>Accept the Change</b>
<b>Recommendation 5</b>	<p>Delete the Vision statements from other Plans from page 24 of the WNP. Delete the following “Based on engagement with the community and the key issues identified” from the Vision box and add the text to paragraph 3.1.3.</p> <p>Revise Objective (I) to read: Development conserves and enhances the existing.... “.</p> <p>Revise Objective (II) to read: “.....village of Wray to sustain and enhance the Conservation Area at its core.”</p> <p>Revise Objective (III) to read: “The local housing needs are met ....”.</p>	<b>Accept the Change</b>

	Revise Objective (VI) to read: “Development safeguards and enhances...”	
<b>Recommendation 6</b>	<p>Revise Policy OS1 as follows:</p> <p>Revise the title of the policy to “Delivering Sustainable Development”</p> <p>Delete “Development that harms this purpose or which would have an adverse impact on an international, national or locally designated site will not be permitted”.</p> <p>Delete “within the Parish” from the third paragraph.</p> <p>Add the following at the end of the third paragraph: “historic environment, heritage assets and their setting”.</p> <p>Revise criterion (I) by deleting “settlement” and replacing it with “historic environment, heritage assets and their setting”.</p> <p>Delete the section headed Major Development and the subsequent criteria. Delete the following from paragraph 4.3.10: “The policy sets out.....AONBs.”</p> <p>Delete the section headed Brownfield Land and paragraph 4.3.11. Add the following to the end of paragraph 4.3.12 “or historic environment, heritage assets and their setting”.</p>	<b>Accept the Change</b>
<b>Recommendation 7</b>	<p>Revise Policy OS2 as follows:</p> <p>Revise the second sentence to read “Proposals should not have an adverse impact on.....”</p> <p>Revise criterion (III) to read: “respect visual amenity, views within, into or out of the Neighbourhood Plan area (including but not limited to those shown on the Proposals Map),...</p> <p>Add the following to the justification to aid the interpretation of criterion (IV): “When considering the cumulative and incremental impacts of development, developers and decision makers should ask</p>	<b>Accept the Change</b>

	<p>themselves: 'Can the impacts of this development proposal (in the context set out in the policy) on the landscape character and visual amenity be mitigated?' If yes, proceed with drawing up proposal/considering proposal in principle (i.e. subject to all other considerations). If no, modify or refuse permission."</p>	
<b>Recommendation 8</b>	<p>Revise Policy BE1 as follows:</p> <p>"For development proposals in the Neighbourhood Plan area the highest standards of design and construction will be required to conserve and enhance the landscape, built environment, distinctive settlement character and historic, cultural and architectural features. "In addition to design requirements set out in the Local Plan, the design of developments in the Neighbourhood Plan area should be informed by the Wray with Botton Landscape Appraisal (2017) and, where appropriate, the Wray Conservation Area Appraisal (2009) and should:</p> <p>I. Respond to the character of the landscape and local built environment including buildings, boundary treatments, open spaces, trees, roofscapes, village layout and have particular regard to the local vernacular, building to plot / green space ratios and to the quality, integrity, character and settings of natural, built and historic features; II. Reinforce what is special and locally distinctive about design in the Plan area through the careful consideration of visual amenity, layout, views, scale, height, solid form and massing, proportions, alignment, detailing, lighting, materials used, colours, finishes and the nature of development; III. Provide well designed landscape schemes that retain distinctive trees and include new structural planting that contributes to the character and amenity value of the area; IV. Ensure that boundary treatments, screening and entranceways reflect local character and context including retention (or appropriate replacement where necessary) of existing features of value such hedgerows, trees, verges and traditional stone walls through careful consideration of materials and heights for gates, gateposts and fencing and the use of appropriate species for planting; and V. Avoid using development that is harmful to landscape and settlement character to inform the design of new development or proximity to it as justification for further poor quality or harmful development.</p>	<b>Accept the Change</b>
<b>Recommendation 9</b>	<p>Delete Policy BE2. Include it in a new section of the Plan on Community Actions noting that this is an aspiration of the Parish Council and not a land use planning policy.</p>	

<p><b>Recommendation 10</b></p>	<p>Revise Policy H1 as follows: Add the following at the beginning of the second paragraph: “Subject to the assessment of viability, new housing development .....”</p> <p>Delete the second sentence of paragraph 3 of the policy “The delivery of affordable housing shall be phased...at any one time.”</p> <p>Delete the final paragraph of the policy “Development which .....will not be permitted.”</p> <p>Include a new paragraph in Policy H1: “Housing developments shall take account of the Key Considerations set out in Appendix 3 on Site Selection and Assessment and the recommendations in Appendix X on Heritage Impact Assessment.” Include the Key Considerations within Policy H1 for the site allocations WR5, WR9 and WR11.</p> <p>On the Proposals Map, show site WR9, differentiate between housing commitments and allocations and delete the phasing periods.</p> <p>Delete paragraph 4.5.6 and the subsequent table. Revise paragraph 4.5.7 to read “...would therefore be about 28...representing an increase of 13% ....”</p>	<p><b>Accept the Change</b></p>
<p><b>Recommendation 11</b></p>	<p>Revise Policy H2 as follows: Revise the first sentence of Policy H2 to read: “...proposals for new housing development should deliver affordable housing in accordance with the adopted Local Plan policy on affordable housing, taking into account the assessment of viability of the development.”</p> <p>Delete paragraph 2, the second sentence of paragraph 3 and criterion (I).</p> <p>Place the fourth paragraph in the justification and delete “phased”.</p> <p>Delete “or restrict occupancy to sole/main residence” from criterion (II) and delete the last sentence form paragraph 4.5.9.</p>	<p><b>Accept the Change</b></p>

<p><b>Recommendation 12</b></p>	<p>Revise Policy RE1 as follows:</p> <p>Revise the title of the Policy to “Policy RE1: Sustainable Economic Development”.</p> <p>Delete “allocated mineral extraction or waste management” from criterion (I).</p> <p>Delete criterion (III).</p> <p>Revise criterion (IV) to read: “House extensions or extensions to outbuildings for economic (non-residential) purposes that are ancillary to the existing dwelling and are sympathetic to the character of the original building and its setting;”</p> <p>Revise criterion (V) to read: “Subject to satisfying the requirements of Local Plan Policy DM9 or its successor policy in the emerging Local Plan, sensitive conversions...”</p> <p>Revise the second paragraph to read “Subject to satisfying the requirements of Local Plan Policies DM8 or DM9 or its successor policy in the emerging Local Plan, the re-use of rural buildings or agricultural buildings to support tourism and the visitor economy will be supported.”</p> <p>Delete the third paragraph: “Development which would...will not be permitted.”</p> <p>Delete the final paragraph of the policy and paragraph 4.6.6.</p> <p>Delete paragraphs 4.6.3 and 4.6.4.</p> <p>Delete the last two sentences from paragraph 4.6.8 “However, one site (C1)...commercial development) and site C1 from the Inset Map for Wray Village.</p> <p>Add an explanation in the justification of the term micro-growth points: “These are very small scale developments that support the growth or diversification of new or existing businesses which may include but is not restricted to live-work units.”</p>	<p><b>Accept the Change</b></p>
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<p><b>Recommendation 13</b></p>	<p>Delete the first three paragraphs of Policy NE1.</p> <p>Revise the title of Policy NE1 to “Protection and enhancement of Trees, Woodland and Hedgerows.” Add the following at the beginning of the fourth paragraph of Policy NE1 to read: “New development should protect and enhance existing trees, woodland and hedgerows unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall, and should positively incorporate new trees, woodland and hedgerows where possible.”</p> <p>Revise the last sentence of the fourth paragraph of the policy to read: “The conservation of those hedgerows.....habitat connectivity as well as for their contribution to .....Wray Conservation Area.”</p> <p>Revise paragraph 4.7.1 to read: “Development proposals that affect the natural environmental assets and sites of biodiversity importance will also be considered against Development Management DPD Policies DM27, DM28 and DM 29 or their successor policies.”</p> <p>Delete the third sentence from paragraph 4.7.2: “The Parish Council felt that....would be useful. Therefore”.</p> <p>Revise paragraph 4.7.3 to reflect the revisions to the policy wording to emphasise the protection and enhancement of trees, woodland and hedgerows.</p> <p>Add a new paragraph to describe the biodiversity assets shown on the environmental constraints map in Appendix 4 as follows:</p> <p>“The Neighbourhood Plan Area includes a number of areas which have been designated for their environmental importance at an International, National and Local level. The area includes the Bowland Fells Special Protection Area (SPA) which is an extensive upland area providing important habitats for protected plant and bird species. The area also includes Roeburndale Woods and Clear Beck Meadows Sites of Special Scientific Importance (SSSI) and a number of more locally designated Biological Heritages sites. Such local designations include Middle Wood, Neddy Park Wood, Quarry Wood (including Hoskins Wood, Mill Wood and Spout Brow Wood), Bank Wood and Hunt’s Gill Wood, Powley Wood (including Beck Gill Wood, Scroggy Wood, Audland Close Wood, Stubb Wood and Tenter Hill Wood), the Stables Bank Wray Bridge, Alcocks Farm Grasslands, Over Close Wood and Proctor Wood, Well Beck Wood (including Helks Home Wood and Middlefield Wood) and Fall Wood Coppice.”</p>	<p><b>Accept the Change</b></p>
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<p><b>Recommendation 14</b></p>	<p>Revise Policy NE2 as follows:</p> <p>Revise the first sentence of the first paragraph to read: “The areas listed below are designated as Local Green Space.”</p> <p>Delete the second sentence of the first paragraph: “These LGS have been put forward.....importance.”</p> <p>Delete the penultimate and final paragraphs of the policy.</p>	
<p><b>Recommendation 15</b></p>	<p>Revise Policy NE3 as follows:</p> <p>“To supplement the relevant policies in the Local Plan which relate to the historic environment, all development in the Neighbourhood Plan area should seek to protect and enhance the unique heritage features and the wider historic character of its location. This should include built, natural and cultural heritage features and historic landscape character.”</p> <p>“Where proposals lead to the loss of a designated or non-designated heritage asset, in accordance with national planning policy, surveys should be undertaken to record their historical interest and build the heritage evidence of the Forest of Bowland AONB.”</p> <p>“Development proposals affecting designated or non-designated heritage assets, the latter of which may either be identified on the Council’s Local List, the Historic Environment Record or that are discovered during the application proposals, will be supported provided that:</p> <p>“(I) They conserve and enhance the significance of the asset. This may include schemes that specifically aim to (or include measures to) protect, restore or enhance historic assets or features;</p> <p>“(II) They conserve and enhance the character and local distinctiveness of the area through design, scale and materials used; and</p> <p>“(III) They promote the enjoyment, understanding and interpretation of the assets as a means of maximising wider public benefits which reinforce the character of the village of Wray and sense of place within the Forest of Bowland AONB.</p> <p>“Proposals which affect historic field patterns in the locality should seek to reinforce and reflect those patterns. The loss and fragmentation of these assets will be discouraged.”</p>	<p><b>Accept the Change</b></p>

	<p>Add the following to paragraph 4.7.13: “The green corridor and riverside walk along the western bank of the River Roeburn contribute to the character of the conservation area and the setting of the village.”</p> <p>Delete the Non Designated Heritage Assets from the Proposal Map. Include them on a map of Conservation Area Assets as “Proposed Non- Designated Heritage Assets”. Indicate the Green Corridor along the western bank of the River Roeburn on this map.</p>	
<b>Recommendation 16</b>	<p>Revise Policy COM1 as follows:</p> <p>Delete Community Asset sites 10 from the Proposals Map.</p> <p>Delete site 11 from the list of Community Assets on the Proposals Map. Include reference to the area in paragraph 4.7.13.</p> <p>List and number the assets in Policy COM1 and the key to the Proposals Map in the same order and shown the boundaries of the sites/buildings.</p>	<b>Accept the Change</b>
<b>Recommendation 17</b>	<p>Revise Policy TRA1 as follows:</p> <p>Replace the first and fourth paragraphs with “Where development proposals are shown through evidence to be required to contribute towards any of the following schemes, so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation. Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.” List the schemes set out in the final three criteria of the policy (“Improvements to the local network of cycleways ...”</p> <p>Place the second paragraph in the justification.</p> <p>Reframe the third paragraph and following criteria as a Community Project along the lines of “The Parish Council will work with XXX to deliver the following projects through the use of S106, CIL, LIT etc.” Place the policy in a separate section of the Plan headed Community Projects and explain that it is not a land use planning policy. Move relevant paragraphs of the justification to the Community Project justification.</p>	<b>Accept the Change</b>

<p><b>Recommendation 18</b></p>	<p>Revise paragraph 5.5 to read: “...to deliver sustainable growth in new housing over the plan period to meet identified local needs.”</p> <p>Revise paragraph 5.9 c) to read: “c) The Parish Council will monitor the progress of implementing the Neighbourhood 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 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 Plan in full collaboration with Lancaster City Council. Evidence will also be reviewed and updated as required.”</p>	<p><b>Accept the Change</b></p>
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**Council****Appointment of Independent Person(s)  
17 July 2019****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Council to consider the arrangements for the appointment of one or more Independent Persons.

**This report is Public.**

**RECOMMENDATIONS**

- (1) **That Council authorises the Monitoring Officer to commence, in accordance with s28 of the Localism Act 2011, the recruitment process in respect of the appointment of further Independent Person(s) for the Council's Standards Committee.**
- (2) **That a letter of thanks be sent to Gerald Callen in recognition of his services as Independent Person.**

**1.0 Introduction**

- 1.1 The Localism Act 2011 requires the Council's arrangements for dealing with complaints of breach of the Code of Conduct to include provision for the appointment by the Council of at least one Independent Person, who must be appointed through a process of public advertisement, application, and appointment by a positive vote of a majority of all members of the Council (not just of those present and voting).
- 1.2 The requirement for the appointment of "*at least one Independent Person*" recognises that there may be occasions where an appointed Independent Person is unable to act. By way of example, there may be a conflict of interest or personal circumstances that prevents an Independent Person from acting.
- 1.3 A review by the Committee on Standards in Public life, dated January 2019, recommended to the Government that local authorities should have access to at least two Independent Persons.
- 1.3 The Independent Person must be consulted before the Council makes a

finding as to whether a member has failed to comply with the Code of Conduct, or decides on action to be taken in respect of that member. The Independent Person may be consulted by the Council in respect of a standards complaint at any other stage, and may be consulted by a member or co-opted member of the Council or of a parish council against whom a complaint has been made. The Committee's arrangements for dealing with complaints require the Independent Person to be consulted before a complaint is referred for investigation.

1.4 On 2<sup>nd</sup> March 2016 Council resolved, in respect of Standards matters, that Jacqueline Waring be appointed as lead Independent Person; that Gerald Callen be appointed as deputy Independent Person and that David Jordison remain as a reserve Independent Person.

1.5 Mr Callen informed the Council on 12 June 2019 that he is unable to continue to act as an Independent Person. Mr Jordison has recently been contacted in order to ascertain his willingness to continue as an Independent Person. At present, it is unclear whether or not he wishes to continue in his role. It is understood that Ms Wearing is still willing to assist the Council as an Independent Person.

## **2.0 Proposal for recruitment of further Independent Person(s)**

2.1 As the appointment of Independent Persons is a matter for Council, the Monitoring Officer seeks, at this stage, approval to commence the recruitment process (in accordance with the Localism Act 2011) in respect of the appointment of further Independent Persons.

2.2 On receipt of appropriate applications, the Monitoring Officer, shall invite the Standards Committee to establish an interview panel for the purpose of interviewing suitable candidates.

2.3 Should Standards Committee, following an interview process, identify suitable candidates, then Council will be asked by report of the Committee to consider their recommendation for appointment.

## **5.0 Conclusion**

5.1 Council is asked to approve the two recommendations set out in this report.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None directly arising from this report.

### **LEGAL IMPLICATIONS**

There are no legal implications stemming from this report.

**FINANCIAL IMPLICATIONS**

Limited to modest expenditure in respect of recruitment and expenses of the appointed Independent Person(s) which will be met from within existing resources.

**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer.

**BACKGROUND PAPERS**

None

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