



INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS

FRIDAY, 20 MAY 2022

Please find enclosed Decision Notice in connection with the following:

**ICMD1 Aldcliffe with Stodday Neighbourhood Plan Decision to Proceed to Referendum
(Pages 2 - 55)**

Please note that this is subject to call-in.

- (1) That the proposed changes to the Neighbourhood Plan, as set out in in the Examiners Report be endorsed and a decision statement be issued to inform interested parties that the modified Neighbourhood Plan should proceed to Referendum as soon as reasonably possible.
- (2) That the Cabinet Member agrees to the advance funding of the Referendum which will be claimed back from the Government in due course.

Queries regarding these documents

Please contact Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk.

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Published on FRIDAY, 20 MAY 2022



Promoting City, Coast & Countryside

**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

TITLE OF DECISION: Aldcliffe with Stodday Neighbourhood Plan Decision to Proceed to Referendum	
NAME OF DECISION TAKER:	COUNCILLOR DOWDING
POSITION AND RESPONSIBILITY HELD:	CABINET MEMBER WITH RESPONSIBILITY FOR PLANNING AND PLACE MAKING
CONTACT OFFICER:	FIONA CLARK
TELEPHONE:	01524 582222
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Details of Decision:	
<ol style="list-style-type: none"> Endorsement of the proposed changes to the Neighbourhood Plan, as set out in the Examiners Report and agree that decision statement can be issued to inform interested parties that the modified Neighbourhood Plan should proceed to Referendum as soon as reasonably possible. Agree to the advance funding of the Referendum which will be claimed back from the Government in due course. 	
Reasons for the decision:	
<p>Proceeding with the referendum would be to the benefit of adopting localism within the district, enabling communities to shape their area. It would enable the community as a whole to decide if the plan should be sued by the Council for determining planning applications.</p> <p>Given the level of work undertaken by the Parish council alongside the extensive consultation that took place prior to the Examination of the plan it is considered that subject to the outcome of the referendum that it is the will of the community of the Parish of Aldcliffe with Stodday for a neighbourhood plan to be adopted.</p> <p>The independent Examiner has scrutinised plan in making an assessment as to whether it meets the Basic Conditions and subject to modification is of the view that the plan is ready to proceed to Referendum.</p> <p>In conclusion, the Aldcliffe with Stodday Neighbourhood Plan is ready to proceed to referendum, subject to modifications as recommended by the Examiner being made.</p>	
IS THE DECISION URGENT	
No	
PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW:	
Signed : Chief Executive n/a	
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.	
SIGNATURE OF DECISION TAKER:	Cllr Gina Dowding

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

DATE:		18.5.22	
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO.
			ICMD1
DATE DECISION TAKEN:	18.5.22	DATE RECEIVED BY DEMOCRATIC SERVICES:	12.5.22
DATE DECISION PUBLISHED:	20.5.22	IMPLEMENTATION DATE (publication day + 5 working days):	30.5.22

CABINET

**Aldcliffe with Stodday Neighbourhood Plan Decision
to Proceed to Referendum**

**Individual Cabinet Member Decision
(Councillor Dowding)**

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

PURPOSE OF REPORT			
To seek approval from cabinet for the Aldcliffe with Stodday Neighbourhood Plan to proceed to referendum at the earliest possible opportunity.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/> Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A		
This report is public			

RECOMMENDATION OF THE DIRECTOR OF ECONOMIC GROWTH & REGENERATION

- (1) That the Cabinet Member endorses the proposed changes to the Neighbourhood Plan, as set out in in the Examiners Report and agrees that a decision statement can be issued to inform interested parties that the modified Neighbourhood Plan should proceed to Referendum as soon as reasonably possible.
- (2) That the Cabinet Member agrees to the advance funding of the Referendum which will be claimed back from the Government in due course.

1. INTRODUCTION

1.1 The National Planning Policy Framework (NPPF) and the Localism Act 2011 give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a powerful set of tools for local people to get the right type of development for their community. The referendum is the culmination of the neighbourhood plan production process.

- 1.2 Aldcliffe with Stodday is seeking to prepare their own neighbourhood plan under the powers described and have now reached an advanced stage in its preparation. The Independent Examination into the Plan took place between January to March and an Examiners Report has now received indicating that, subject to modifications their neighbourhood plan can be advanced to the referendum stage.

2.0 PROPOSAL DETAILS

- 2.1 Aldcliffe with Stodday began work on their Neighbourhood Plan following the areas designation in early 2020. 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 issues including the scale and design of new development, biodiversity and landscape and issues relating to climate change. The plan contains a range of descriptive policies which seek to address issues which are important to the community.
- 2.3 The Parish Council (who are responsible for preparing the plan) fulfilled the statutory requirements of neighbourhood plan making process and have undertaken consultation on a draft plan in early 2021 and a finalised version late last year.
- 2.4 Following the publication of the final version of the Aldcliffe with Stodday Neighbourhood Plan, the documentation was scrutinised by an independent examiner. The examiner was appointed jointly between the City Council and 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 Examiners Report was received on the 9th March 2022 and recommended that, subject to a series of modifications, the plan can proceed to referendum. The Examiner's Report is attached at Appendix B of this Report.
- 2.5 The modifications set out by the Examiner are considered to be necessary to ensure that the neighbourhood plan meets the Basic Conditions as required by the Localism Act. The basic conditions for neighbourhood plan making are:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
 - The making of the neighbourhood plan contributes to the achievement of sustainable development.
 - 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.
 - The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 2.6 Officers have reviewed the plan in light of the proposed modifications and conclude that the plan will continue to meet the Basic Conditions when incorporating the Examiner's modifications. Since receiving the modifications, the Qualifying Body agree that the changes are acceptable, they have amended the Neighbourhood Plan

accordingly and have confirmed that they wish for it to proceed to referendum at the earliest practicable opportunity.

- 2.7 If approved, the referendum will be held at the earliest practicable opportunity, in accordance with legislation. The question to be used in the referendum is set by the 'Neighbourhood Planning (Referendums) Regulations 2012', and must be "Do you want Lancaster City Council to use the neighbourhood plan for Aldcliffe with Stodday to help it decide planning applications in the neighbourhood area?"
- 2.8 If more than 50% of those voting in the referendum answer "yes", the plan would then form part of the Development Plan for the City Council and would then need to be formally 'made' (adopted) by the Council. This 'making' of the neighbourhood plan would be a decision made by full Council.

3.0 DETAILS OF CONSUTLATION

- 3.1 The Aldcliffe with Stodday Neighbourhood Plan was formally consulted upon at Regulation 16 (The Neighbourhood Planning (General) Regulations 2012 (as amended) stage prior to the submission of the neighbourhood plan for examination by the appointed Examiner.

4.0 OPTIONS AND OPTIONS ANALYSIS (including Risk Assessment)

	Option 1: Accept the modifications of the Examiner, issue a decision statement to this effect and approve the Neighbourhood Plan to go forward to referendum.	Option 2: Reject some of the modifications of the Examiner and delegate authority to the Planning Manager to publish the decision.	Option 3: Reject all of the modifications of the Examiner.
Advantages	This would be to the benefit of adopting a Neighbourhood Plan shaped by local residents of Aldcliffe with Stodday, enabling communities to shape their area. It would enable the community as a whole to decide if the Neighbourhood Plan should be used by the Council for determining planning applications.	That the plan could be prepared in line with (or closer in line with) the original intentions of the Neighbourhood Plan sub group.	None known. Rejection of all the modifications would mean rejection of the Neighbourhood Plan on the basis that the Council could not be satisfied that the Plan could met the Basic Conditions required by Schedule 4B Town and Country Planning Act 1990.
Disadvantages	None known	Officers and the Neighbourhood Plan sub group have agreed the modifications are acceptable and that the plan is suitable to	The Neighbourhood Plan would not be made.

		<p>be the subject of a referendum.</p> <p>Rejecting modifications may remove clarity, factual correctness or compatibility with other local authority plans or policies. It could also lead to the Basic Conditions requirement not being met.</p> <p>Rejecting modification will require further consideration by officers as to the suitability of the plan and further consideration by Council.</p>	
Risks	None known	<p>Removal of some of the modification may lead to the Neighbourhood Plan not meeting the Basic Conditions and to the ultimate decision that the plan should not be progressed.</p> <p>Removal of some of the Examiner's recommendations may also create ambiguity and uncertainty in the application of the Plan. This could lead to legal challenge and difficulty in the application of planning policy to planning decisions.</p>	<p>The Neighbourhood Plan, with the Examiners' recommendations, is agreeable to the Neighbourhood group. To reject the Neighbourhood Plan by not accepting the modifications could be suggest to public law challenge.</p>

5.0 CONCLUSIONS

- 5.1 The preferred option is Option 1. Given the level of work undertaken by the Parish Council alongside the extensive consultation that took place prior to the Examination of the plan it is considered that subject to the outcome of the referendum that it is the will of the community of the Parish of Aldcliffe with Stodday for a neighbourhood plan to be adopted.
- 5.2 The Independent Examiner has scrutinised plan in making an assessment as to whether it meets the Basic Conditions and subject to modification is of the view that the plan is ready to proceed to Referendum.

- 5.3 In conclusion it is the opinion of the Planning Manager that the Aldcliffe with Stodday Neighbourhood Plan is ready to proceed to referendum, subject to modifications as recommended by the Examiner being made.

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 Aldcliffe with Stodday 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 the relevant sections of the Localism Act 2011. In accordance with regulation 12 (4) Schedule 4B of the Town and Country Planning Act 1990 (as applicable by virtue of s38A (3) of the Planning and Compulsory Purchase Act 2004), the Council must hold a referendum if it is satisfied either:

- a. The proposed Neighborhood Plan meets the following conditions

- (i) The basic conditions are met
- (ii) It is compatible with the ECHR
- (iii) It complies with the provision made by or under S38A (6) and S38B of the Planning and Compulsory Purchase Act 2004

Or

- b. The proposed NP would meet the criteria if modifications are made (whether or not recommended by the examiner).

As per paragraph 2.5 of the report, the modifications set out by the Examiner, will ensure that the Neighbourhood Plan will meets the basic requires. The Examiner has also confirmed via their report that the plan does not breach and is compatible with the ECHR.

If Council resolves to reject some of the Examiner's recommendation, it will have to give clear reasons for its rejection. If the rejection is due to some new evidence, fact or a different interpretation of a fact, then the authority will have no notify prescribed persons of the

proposed decision (and the reason for it) and invite representations. The Authority may refer the issue to independent examination.

If the Council rejects all of the Examiner's recommendations then the Authority will not be able to satisfy itself that the Basic Conditions are met. This would mean that the Plan would have to be refused. This could be subject to a public law challenge if the Council's rejection of all the modifications is not justified by sound reasoning.

FINANCIAL IMPLICATIONS

As set out in the body of the report, to support the preparation of any neighbourhood plan Lancaster City Council has a duty to provide officer support to the community preparing the plan and as a result will also incur additional costs to cover (1) various stages of publicity, (2) Independent Examination and (3) a referendum. The local planning authorities are able to claim monies from DLUHC to offset the costs of undertaking this work.

A payment of £20,000 becomes eligible once the local authority have set a date for the referendum following a successful examination and this is expected to sufficiently cover all costs.

Given the advance stage of the Aldcliffe with Stodday Neighbourhood Plan the Independent Examination has already taken place, costing the City Council £5,000. The Council's democratic service officers have advised that the estimated direct costs of holding a referendum (comprising printing and posting of voting materials, the Poll Station day staff and count voters) would be in the region of £2,300.

Budgets will be updated accordingly to provide provision for the costs in the year that they are expected to occur.

There are no financial implications associated with the recommended changes to the Neighbourhood Plan as set out in the Examiners Report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

Managing a referendum will also need the resources of democratic services officers, this would need to be funded from the grant, and may require additional staff resources if it impacts on other elections.

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

s151 officer has been consulted and has no further comments to add to those provided within the financial implications

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

Appendix A - Aldcliffe with Stodday
Neighbourhood Plan Referendum Version

Appendix B - Examiners report – the
examiner's report is appended for
consideration and should be read in
conjunction with the submission version of the
neighbourhood plan (Appendix A)

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Aldcliffe with Stodday Neighbourhood Plan 2021 - 2031

Submission Plan

Report to Lancaster City Council of the examination into the Aldcliffe with Stodday Neighbourhood Plan

by Independent Examiner, Peter Biggers BSc Hons MRTPI AIHBC

March 2022

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Summary and overall recommendation

Following my examination of the Aldcliffe with Stodday Neighbourhood Plan (AWSNP), including a site visit to the neighbourhood area on 19 January 2022, it is my view that, subject to modifications, the AWSNP reflects the views of the community and will set out a clear vision and suite of policies for the neighbourhood area.

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

For the most part, the reason for this is that the policies do not wholly meet the requirement of the National Planning Policy Framework at paragraph 16 where it states that policies should be: “clearly written and unambiguous so it is evident how a decision maker should react to development proposals”, and the advice in the Planning Practice Guidance where it states 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”.

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

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

By its nature, the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the Plan. Rather, the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and is as robust as possible and that it can better play its part in planning decisions and managing change in Aldcliffe with Stodday in the future in an effective way.

In addition to the recommended modifications, it should also be noted that there may be a number of consequential changes, for example to referencing and numbering, that will inevitably be needed as a result of making the modifications. It will also be necessary to ensure all references to current local planning documents and the stage reached in the plan making process are up to date. I have captured some of these, but not necessarily highlighted all these consequential changes and these amendments need to be made in finalising the Plan for referendum.

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

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- 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;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

The AWSNP also complies with the legal requirements set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

With the modifications in place, the AWSNP will meet the Basic Conditions and can proceed to a referendum.

When that referendum takes place, I also recommend that the Aldcliffe with Stodday Neighbourhood Area, which covers the administrative area of the Parish, is taken as the area for the referendum.

Peter Biggers BSc Hons MRTPI AIHBC

Independent Examiner

9 March 2022

1. Introduction

Background context

- 1.1. This report provides the findings of the examination into the Aldcliffe with Stodday Neighbourhood Plan (referred to as the AWSNP throughout this report).
- 1.2. The AWSNP was produced by Aldcliffe with Stodday Parish Council (AWSPC) and its Steering Group in consultation with the local planning authority for the neighbourhood area – Lancaster City Council (LCC). The local community, interested parties and local stakeholders were also consulted as set out in Section 3 below.
- 1.3. Aldcliffe with Stodday Parish comprises Aldcliffe village and the hamlet of Stodday about one mile to the south. The Parish is within Lancaster City boundary and is located just over 1 mile (2 kilometres) south-west of the city centre.
- 1.4. Aldcliffe with Stodday Neighbourhood Area equates to an area of approximately 453 hectares covering all of the administrative area of the Parish and with a population of 222 on the electoral roll living in 113 dwellings (2011).
- 1.5. The Parish lies adjacent to the banks and salt marshes of the River Lune to the west and the Lancaster Canal and edge of the urban area to the east. Most of the Parish is made up of “green infrastructure” principally fields used for grazing or crop growing, with some woodland areas, paths and the two green corridors of the Lancaster Canal and the Lune Estuary.
- 1.6. Aldcliffe comprises a few older cottages off Aldcliffe Road on the approach to the hamlet, and some more recent (1970s - 2010s) housing estates to the west and north of Aldcliffe Road and Aldcliffe Hall Lane. Stodday is a small hamlet with several traditional cottages clustered around Stodday Lane and Walnut Bank Lane. Outside the two small settlements the landscape is rural in character and is comprised of the rolling topography of low coastal drumlins to the east and open coastal marshes to the west around the Lune estuary. There are a few additional scattered farms and cottages. A large waste water treatment plant lies in the south west of the Parish.
- 1.7. This examiner’s report provides a recommendation as to whether or not the AWSNP should go forward to a referendum. Were it to go to referendum and achieve more than 50% of votes cast in favour of it, then the AWSNP would be ‘made’ by LCC. In the event of a successful referendum result, the AWSNP would immediately carry full weight in the determination of planning applications in the neighbourhood area.

Appointment of the independent examiner

1.8. I was appointed as an independent examiner by LCC, with the consent of AWSPC, following a competitive procurement process through NPIERS with whom I am a panel member, to conduct the examination and provide this report as an independent examiner. I am independent of the qualifying body and the Local Planning Authority. I do not have any interest in any land that may be affected by the AWSNP, nor do I have any professional commissions in the area currently. I hold appropriate qualifications and experience and have planning and development experience, gained over 40 years across the public and private planning sectors. I am a Member of the Royal Town Planning Institute and an Affiliate of the Institute of Historic Building Conservation.

Role of the independent examiner

1.9. It is the role of the independent examiner to consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) 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;
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- g) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.10. Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, effective from 28 December 2018, prescribes the following additional Basic Condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Regulation 106(1) of Chapter 8 states that : “a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under Regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.

* NB Basic Conditions b) and c), relating to listed buildings and conservation areas, are also included in the Basic Conditions but as these only concern neighbourhood development orders they are not included in this report.

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

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

1.12. I have examined the AWSNP against the Basic Conditions and legislative requirements above and, as independent examiner, I must make one of the following recommendations:

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

1.13. If recommending that the Plan should go forward to referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Aldcliffe with Stodday Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this report (See Section 8).

- 1.14. The role of the independent examiner is not to comment on whether the Plan is sound or how the Plan could be improved, but rather to focus on compliance with the Basic Conditions.

2. The Examination Process

- 2.1. It is a general rule that neighbourhood plan examinations should be held without a public hearing; that is by written representations only. However, according to the legislation, when the examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, a public hearing may be held.
- 2.2. I have considered the representations received at the Regulation 16 publicity stage. Whilst there were a number including some from prospective developers, I am satisfied that there is no need for a public hearing in respect of the AWSNP and the matters are considered below. I confirm that all Regulation 16 representations on the Plan have been taken into account in undertaking this examination. Where appropriate, I have made specific reference to the person's or organisation's comments in Section 6 of this report.
- 2.3. I undertook an unaccompanied site visit around the neighbourhood area on 19 January 2022, during which I looked at its overall nature, form, character and appearance and at those areas affected by policies in the Plan in particular.
- 2.4. Subsequent to my reading for the examination and the site visit, I asked a number of factual clarifying questions of AWSPC, as qualifying body, and LCC relating to the context and intent of policies and proposals of the Plan. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1 to this report and have been uploaded to the Neighbourhood Plan webpages on the LCC website. I am grateful to the Councils for responding on these matters.
- 2.5. In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the AWSNP:
- National Planning Policy Framework (Jul 2021)
 - National Planning Practice Guidance 2014 (as amended)
 - Town and Country Planning Act 1990 (as amended)
 - The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Localism Act 2011
 - The Neighbourhood Planning Act 2017
 - The Neighbourhood Planning (General) Regulations (2012) (as amended)
 - Aldcliffe with Stodday NP Basic Conditions Statement (Sep 2021)
 - Aldcliffe with Stodday NP Consultation Statement and Appendices (Sep 2021)
 - Aldcliffe with Stodday NP Strategic Environmental Assessment Screening

Determination Statement

- Aldcliffe with Stodday NP Habitats Regulation Assessment Screening Determination Statement
- Aldcliffe with Stodday Design Code AECOM 2020
- Aldcliffe with Stodday Technical Evidence Base December 2020
- Aldcliffe with Stodday Housing Needs Assessment AECOM 2019
- Aldcliffe with Stodday Ecology Reports 2018 and 2019.
- Aldcliffe with Stodday Neighbourhood Area Designation Report – Dec 2018
- Representations received during the Regulation 16 publicity period post submission – (15 October – 26 November 2021)
- Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration. Feb 2022.

3. Public Consultation

Background

- 3.1. An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.
- 3.2. AWSPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to LCC on 14 September 2021.
- 3.3. Public consultation on the AWSNP commenced with early discussions about a neighbourhood plan in 2018. This early consultation was followed by various consultation stages, including the two formal stages required by the Regulations:
 - The pre-submission consultation under Regulation 14 from 25 January 2021 to 12 March 2021 and
 - The publicity stage, as required by Regulation 16, (the consultation period post submission of the Plan) from 15 October 2021 to 26 November 2021
- 3.4. The Regulation 16 stage resulted in consultation responses from 10 respondents raising multiple points. The representations raised are considered as necessary within my assessment of the Plan in Section 6 below.

Aldcliffe with Stodday Neighbourhood Plan Consultation

- 3.5. The AWSNP Neighbourhood Planning Steering Group was set up in late 2018 and has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used included the local paper (the Lancaster Guardian), newsletters and the Parish Council's

Neighbourhood Plan website, together with the LCC website, notice boards and posters, leaflets, email drops and Facebook, as well as the offer of events, drop-ins and questionnaires. Copies of the Pre-Submission Draft Plan and Submission Plan together with supporting documents were provided locally as well as being uploaded to the websites and links provided via email.

- 3.6. Evidence gathering for the plan commenced in 2019 and ran through 2019/20 and included a housing needs assessment carried out by AECOM in 2019 followed by a Parish Housing Needs survey later that year in November to include a door to door survey. 113 questionnaires were sent out to all households and 84 were returned – a 74% return rate.
- 3.7. An Issues and Options document was then prepared in February 2020 and circulated to all households for comment as well as LCC and stakeholders between 24 February and 20 April 2020. 51 responses were received. The results were analysed and reports produced and used to draft the neighbourhood plan.
- 3.8. The Consultation Statement sets out the form and content of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the Plan.
- 3.9. The pre-submission draft of the Plan was signed off by the Parish Council and as required by Regulation 14, the consultation ran for six weeks from 25 January to 12 March 2021.
- 3.10. The AWSNP was made available online on the Parish and LCC websites, and links to the Plan were provided via email to statutory consultees and local stakeholders and hard copies of the plan supplied to all households. The Plan was publicised in the Lancaster Guardian and by posters on notice boards and flyers. In view of the Covid 19 lockdown and following advice, an online discussion event and telephone conference opportunities were set up. However, no registrations were received to discuss the plan. Nevertheless, 94 responses from residents and stakeholders were received, 5 responses from consultees and 3 submissions from local developers proposing 2 sites for development.
- 3.11. Following the pre-submission stage and the analysis of results, the Plan was revised, approved for submission and submitted by the Parish Council on 14 September 2021.
- 3.12. The Neighbourhood Planning Regulations are part and parcel of Basic Condition a), and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement, in particular the tables setting out the representations at the Regulation 14 stage and how these were answered, as well as the appendices to the statement, I am satisfied that the Consultation Statement is compliant with Regulation 15. It demonstrates who was consulted, how they were consulted, what the main issues and concerns were, and what action has

been taken in response to these to arrive at the Submission Draft Plan.

4. Preparation of the Plan and legislative requirements

4.1. In terms of the procedural tests set out above my findings are:

Qualifying body

4.2. Aldcliffe with Stodday Parish Council, as the duly elected lower-tier council, is the qualifying body for preparation of the Plan.

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

Plan Area

4.4. An application was made by AWSPC in August 2018 to designate the Aldcliffe with Stodday Neighbourhood Area. The area sought covered the administrative area of the Parish. This neighbourhood area was approved by LCC on 10 December 2018.

4.5. This satisfies the requirement under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations as amended.

Plan period

4.6. A neighbourhood plan must specify the period during which it is to have effect. The AWSNP clearly states on the title page and in the introduction in section 1 that it covers the period 2021-2031.

4.7. The plan period aligns with the end point of the Lancaster Local Plan (LLP), which set out the strategic policies for the neighbourhood area. The intended time period satisfies the requirements of section 38B of the PCPA as amended.

Excluded development

4.8. The Plan does not include policies or proposals that directly relate to any of the categories of excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure, or any matters set out in Section 61K of the TCPA 1990. The AWSNP, as proposed to be modified in Section 6 below, relates solely to the neighbourhood area and no other neighbourhood area, and there are no other neighbourhood development plans in place within the

neighbourhood area. This satisfies the requirements of section 38B of the PCPA, as amended.

Development and use of land

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

Plan publication following submission

- 4.10. LCC undertook a validation check of the AWSNP following its submission in September 2021. The Council was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

5. The Basic Conditions

National policy and advice

- 5.1. The main document that sets out national policy is the National Planning Policy Framework (the NPPF). A revised version of the NPPF was published in July 2021. The AWSNP was prepared in the context of its predecessor dated July 2019. However, in preparing the AWSNP for submission, references to the NPPF were updated to reflect the new 2021 NPPF. I have based my consideration of the extent to which the AWSNP meets Basic Condition a) against NPPF 2021, along with legislation and regulations.
- 5.2. The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.
- 5.3. The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words, neighbourhood plans must be in general conformity with the strategic policies of the development plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.
- 5.4. The NPPF indicates that plans should contain policies that are clearly written and unambiguous, so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.

- 5.5. National advice on planning is set out in the Planning Practice Guidance (PPG), which includes specific advice regarding neighbourhood plans. I have considered the advice of the PPG as part of assessing the Plan against Basic Condition a).

Sustainable development

- 5.6. A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three overarching objectives to sustainable development - economic, social and environmental.
- 5.7. There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.
- 5.8. In this case, AWSPC has only included in the Basic Conditions Statement a commentary in tabular form (Table 1) on how the Plan meets the three main sustainability objectives in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the AWSNP policies, which would have been the more usual procedure. However, the table includes sufficient information to confirm, at a high level, that the effect of the policies of the Plan would be generally positive in terms of sustainability. I consider the contribution of specific policies to sustainable development below in Section 6.

General conformity with the development plan

- 5.9 The AWSNP has been prepared in the context of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adoption Version, July 2020. (LPLD-PT1) and the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adoption Version, July 2020 (LPLD-PT2) and the AWSNP must be in general conformity with the strategic policies.
- 5.10 The PPG provides the following definition of general conformity:
- “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
 - the degree, if any, of conflict between the draft neighbourhood plan policy or

development proposal and the strategic policy;

- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach.”

5.11 Although only adopted in 2020 the Council has embarked on an immediate review and update of LLP-PT1 and LLP-PT2 to ensure they fully respond to the Climate Emergency.

I consider the extent to which the policies and proposals of the AWSNP are in general conformity with the strategic policies of the LLP in detail in Section 6 below.*

* The Development Plan for the area also includes the Joint Lancashire Waste and Minerals DPD but I have not referred to this as the AWSNP cannot influence these matters.

European Union (EU) obligations

5.12 A neighbourhood plan must be compatible with EU obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom’s departure from the EU, these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environmental Assessment and Habitat Regulations Assessment

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

5.14 Regulation 15 of the Neighbourhood Planning Regulations, as amended in 2015, requires either that a SEA is submitted with a neighbourhood plan proposal or a determination obtained from the responsible authority (LCC) that the Plan is not likely to have ‘significant effects.’

5.15 A screening opinion was prepared by LCC in consultation with the statutory bodies in July 2021. The screening concluded that full SEA was not required because the AWSNP did not allocate land for development, any development permissible under the policies would be small scale and, because of the plan’s environmental focus,

there was unlikely to be any significant adverse effects. Any impacts from the small scale and local development that might take place would be offset by the positive benefits of the policies within the Neighbourhood Plan seeking to achieve more sustainable development.

- 5.16 Regarding Habitats Regulations Assessment (HRA), the test in the additional Basic Condition under Regulation 32 now essentially mirrors that in respect of SEA. It requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination obtained from the responsible authority (LCC) that the plan is not likely to have a 'significant effect'. A screening opinion was similarly carried out by LCC in July 2021 and a determination prepared.
- 5.17 European sites – Morecambe Bay SAC and SPA extend into the Neighbourhood Area and the Neighbourhood Area therefore lies within the Impact Risk Zone. Screening showed, that as the Plan does not propose to introduce any significant additional development, and any sites are likely to be small in scale, and guided by AWSNP's policies to ensure sustainable outcomes, the conclusion of the Council's determination was that the Neighbourhood Plan either alone or in combination with other plans and programmes would not have a significant effect on any European sites. Consequently, the AWSNP is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.
- 5.18 Both the determinations regarding SEA and HRA have been confirmed by Natural England, the Environment Agency and Historic England as statutory consultees. I have no reason to reach a different view to the statutory consultees.

European Convention on Human Rights (ECHR)

- 5.19 The Human Rights Act 1998 encapsulates the Convention and its articles into UK law.
- 5.20 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the AWSNP. Instead, the Basic Conditions Statement briefly assesses the potential impacts of the AWSNP in relation to the relevant Articles of the Convention and concludes that the AWSNP has regard to the fundamental rights and freedoms guaranteed under the ECHR.
- 5.21 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions - although the AWSNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 5.22 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair

hearing in determination of an individual's rights and obligations - the process for preparing the AWSNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

- 5.23 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the AWSNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.
- 5.24 I conclude that, given the nature of the plan policies and proposals, it is unlikely there would be any detrimental impact on the 'protected characteristics' set out in the Equality Act and, generally, the Plan would bring positive benefits. Whilst the Plan does not directly address needs in respect of particular protected characteristics within the plan area, the AWSNP is not prejudicial to any group in its policies.
- 5.25 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the Plan. I am satisfied on the basis of the above that, across the Plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.
- 5.26 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.
- 5.27 I am not aware of any other European Directives which apply to this particular neighbourhood plan and no representations at pre- or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the AWSNP is compatible with EU obligations and therefore with Basic Conditions f) and g).

6 The Neighbourhood Plan – Assessment

6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section, following the structure and headings in the Plan. Given the findings in Section 5 above that the Plan as a whole is compliant with Basic Conditions f) (EU obligations) and g) (Other prescribed conditions including that under Regulation 32), this section largely focusses on Basic Conditions a) (Having regard to national policy), d) (Contributing to the achievement of sustainable development) and e) (General conformity with strategic policies of the development plan).

6.2 Where modifications are recommended, they are clearly marked as such and set out in bold print.

The general form of the Plan

6.3 The structure of the AWSNP is generally logical and clear with early sections setting the context both in respect of policy and background to the neighbourhood area and the key issues facing it, before setting out the vision and objectives and the policy sections.

6.4 The Plan distinguishes between the policies themselves and their justification by boxing and shading the policies. Each policy is accompanied by supporting text setting out the context, rationale and intent as well as the strategic policy context.

6.5 The NPPF at paragraph 16 requires the Plan to be “clearly written and unambiguous so it is evident how a decision maker should react to development proposals” and to “serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area”.

6.6 Neighbourhood plans are not to include matters that do not relate to the development and use of land. The AWSNP, as with many neighbourhood plans, has in the course of its preparation attracted many comments and proposals from the community that they would like to see the Parish Council take action on, but which are not directly to do with the development and use of land. Whilst AWSPC has acknowledged that these ‘community actions’ are not matters that the Neighbourhood Plan can directly address, they are nevertheless presented in the body of the Plan and are part of it, potentially leading to confusion. They should be separated out and relocated in an appendix to the Plan with paragraph markers remaining in the text referring to the appendix.

6.7 In order to provide a clear and unambiguous plan this also requires the mapping to be clear. In the printed version supplied to the examiner and even in the digital version the delineations and colour coding on the maps are not sufficiently clear to allow easy interpretation. This needs to be rectified in the final version going forward to the referendum.

6.8 Finally, in respect of general points, LCC in its Regulation 16 representation indicates that the policy referencing in the AWSNP ie AS1, AS2 etc repeats the policy referencing in the Arnsdale and Silverdale AONB Development Plan Document already adopted and as such could lead to confusion. I agree that to avoid confusion the policies should have a unique referencing system. This could either be ASNP1, ASNP 2 etc or as suggested by LCC AWS1, AWS 2 etc.

I recommend the following modifications.

Recommendation 1	
1A	<p>Delete the Action Tables on pages 28 and 47 and relocate the content in a new Appendix 2 entitled “Actions for the Parish Council and Community Aspirations”</p> <p>Introduce the Appendix with the following text :</p> <p>“The Steering Group in preparing the plan has identified a number of Parish Council Actions and community aspirations in response to issues identified in relation to:</p> <p>Biodiversity Net Gain... Promoting Walking and Cycling and Infrastructure Provision”</p> <p><i>Biodiversity Net Gain – add project content of current Appendix 2 here</i></p> <p><i>Promoting Walking and Cycling – Add content of table on page 28 here</i></p> <p><i>Infrastructure Provision – Add content of table on page 47 here</i></p>
1B	Clarify colour coding and delineations on maps used within the plan.
1C	Ensure the policy referencing in the AWSNP does not replicate policies in another adopted planning policy document.

What is a Neighbourhood Development Plan

6.9 This section provides a brief introduction to the Plan and the legislative context and briefly outlines the process for preparing the plan.

6.10 This is largely a factual section and for the most part there is no need for any changes other than consequential changes to update the process and the stage reached following this examination as set out in the text and diagram on page 6.

Recommendation 2	
2	Update the text and diagram on page 6 to reflect the current position with the plan.

An NDP for Aldcliffe with Stodday

6.11 Section 2 of the Plan sets out the governance arrangements for preparing the plan and the consultation that took place in its preparation. Again this is largely factual and raises no issues in respect of the Basic Conditions but the section particularly on page 8 duplicates what is contained in the consultation statement and it is unnecessary to repeat

much of what follows paragraph 2.6. However, as changes are not required to meet the Basic Conditions, I make no formal recommendation in this regard.

A Portrait of Aldcliffe with Stodday Parish

6.12 Section 3 of the Plan sets out the general context and characteristics of the Parish. The section leads into the Neighbourhood Plan vision and the objectives designed to deliver the vision and provide the basis for the policies. Again, the current content of the section is largely factual, and I have no concerns relating to the Basic Conditions.

Vision and Objectives

6.13 Being able to demonstrate the thread from issues to vision and objectives and from objectives to policies is an important part of evidencing the Neighbourhood Plan as required in the PPG. There is a clear thread from vision and objectives to policies although the thread from the issues identified to the vision and objectives is not so well developed. In order to assist the overall clarity of the plan to meet Basic Condition a) the key issues should be summarized at the end of section 3.

6.14 The vision looks to preserve the character of the Parish both for residents and visitors and to ensure all new development is to meet residents' needs and is sympathetic to that character.

6.15 The Plan has regard to the PPG advice that it “provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people.”

6.16 The vision and objectives also encapsulate and generally reflect the spatial vision set out in the LPLD-PT1 at Section 3 and the specific objectives set out in section 4 in particular the objectives SO2 - SO5. Similarly, the AWSNP objectives directly reflect the 3 objectives set out in the LPLD-PT2 Section 3 setting out development management objectives. The impact of pursuing the vision and objectives of the Neighbourhood Plan would contribute to the achievement of sustainable development in the neighbourhood area.

6.17 Ordinarily, as the vision and objectives have been set through discussion with the community, I would be reluctant to amend these. However, in the interests of a clear and unambiguous plan to meet Basic Condition a) a very minor clarification should be made to objective 2 in line 2 to clarify that is transport networks that are being referred to.

6.18 As above with regard to recommendation 1A and the need to relocate the community actions to an appendix the last paragraph of section 4 of the plan (4.3) needs to be amended to refer to that appendix and the appendix also referenced in objectives 3, 4 and 7.

Recommendation 3	
3A	Insert a text box at the end of section 3 summarising the key issues for the plan to lead into the vision and objectives at section 4.
3B	Amend line 2 of objective 2 to insert the word “<i>transport</i>” before the word ‘networks’.
3C	Insert the words “(See Appendix 2)” at the end of the text in Objectives 3, 4 and 7.
3D	Amend the text in paragraph 4.3 to read: “The NDP also <i>references</i> actions for the Parish Council.....community facilities <i>and these are set out in Appendix 2</i>”.

6.19 With these modifications the vision and objectives of the AWSNP would meet the Basic Conditions.

Planning policies

6.20 Section 5-8 of the Plan set out the policies contained in the Plan.

Section 5 – Balancing Conservation and Accessibility

6.21 Generally, this section of the AWSNP is aimed at protecting the natural environment whilst promoting accessibility to it by sustainable means.

Policy AS1 – Conserving and Enhancing Local Biodiversity

6.22 The neighbourhood area has a rich and valued natural environment with a number of important natural assets. Policy AS1 sets out what is expected of development schemes to protect and enhance biodiversity and how biodiversity net gain (BNG) can be achieved.

6.23 The NPPF at section 15, particularly paragraphs 174 and 179, encourages plans to promote the conservation, restoration and enhancement of priority habitats, to pursue measurable net gains for biodiversity and to prevent development contributing to pollution, which Policy AS1 is in response to.

6.24 However, in two respects the Policy does not entirely meet Basic Condition a). In the first instance the NPPF talks about ‘protecting **and** enhancing’ and, whilst the supporting text to Policy AS1 also talks in these terms, the Policy itself states that development should ‘conserve **or** enhance’. This needs to be corrected. Secondly, the Policy in the second paragraph talks solely about mitigation whereas the NPPF, at paragraph 180, makes it

clear that the first priority is to avoid impact and where that is not possible mitigate impact. The paragraph therefore needs to make that clear.

6.25 Furthermore, in respect of the NPPF and PPG guidance that planning policy should be clear and unambiguous there are a number of areas with Policy AS1 where this is not achieved. First, the Policy states in paragraph 3 that there should be a measurable net gain in biodiversity **wherever possible** and in the introduction to parts 1 and 2 of the policy that a biodiversity net gain (BNG) **could** be achieved through development not that it **will**. Any developer would be unclear as to what was expected of them. I accept that the mandatory requirement for BNG will not come into force until November 2023 but as Policy AS1 will be in force at that stage it should make it clear that BNG will be expected. Secondly, it is not clear in respect of off-site contributions in paragraph 3 and in section 2 how these contributions will be secured or how the obligation to maintain the BNG over 30 years will be enforced. AWSPC states in its response to the Examiner question on this matter that it would be secured by planning obligation or by a Biodiversity Gain Plan but the detail is subject to confirmation as legislation is enacted and comes into force. Whilst I accept that there is still some uncertainty, again Policy AS1 will be in force beyond 2023 and if the intention is that off-site contributions and other requirements will be through a S106 planning obligation or a Biodiversity Gain Plan this should be stated but with the flexibility to accommodate other requirements of legislation.

6.26 The strategic context in respect of protecting the natural environment is set out in Policy SP8 of LPLD-PT1 which seeks to protect, maintain and enhance the District's biodiversity amongst other things whilst Policy EN7 focusses on designated sites. Policy AS1 is in general conformity with these policies. Whilst Policy DM44 of the LPLD-PT2 provides more detail on how biodiversity is to be protected and enhanced and there is some overlap in Policy AS1, the neighbourhood plan Policy does add local context and does not merely replicate the Local Plan policies. Instead it focusses on setting out how net gain can be achieved both on and off site. Policy AS1 is therefore complementary to the strategic policies and in general conformity and Basic Condition e) is met.

6.27 Given that the objective of the policy is to achieve BNG, Policy AS1 will have a positive effect in achieving sustainable development and in particular environmental sustainability.

6.28 Finally in respect of the supporting text the reader is referred to a 2019 DEFRA consultation as a source of information regarding the BNG metric. This has now been overtaken and the Gov.UK website lists the current document as the Biodiversity Metric 3.0 (JP039) together with the calculator tool and user guide on the Natural England website as the current source of advice. Thus, the reference in paragraph 5.14 and footnote 5 should be replaced. The British Standard BS8683:2021 Process for Designing and Implementing BNG Specification could also be referenced.

I recommend the following modifications.

Recommendation 4	
4A	In Line 1 of Policy AS1 change the word ‘or’ to “and”
4B	Reword first sentence of paragraph 2 of Policy AS1 to read: <i>“All developments should avoid any impacts from the loss of countryside, wildlife and the natural environment and where avoidance is not possible mitigate or compensate for any impacts”</i>
4C	Delete the words ‘wherever possible’ from line 2 of Paragraph 3 to Policy AS1. Add to the end of the last sentence of Paragraph 3 of Policy AS1 the words: <i>“These requirements will be secured through a S106 planning obligation, biodiversity gain plan or other mechanism required by legislation or regulation.”</i>
4D	Amend the line preceding Clause 1 of policy AS1 to read <i>“A biodiversity net gain will be expected from all development by:.....”</i>
4E	Delete the words ‘ DEFRA Biodiversity Metric’ in line 4 paragraph 5.14 and replace with the words: <i>“...Biodiversity Metric 3.0 (JP039) (Natural England)”</i> Delete Footnote 5 and replace with a link to the Natural England Metric Calculator Tool and User Guide.

6.29 With these modifications Policy AS1 would meet Basic Conditions a), d) and e).

Policy AS2 – Supporting Walking and Cycling

6.30 Policy AS2 seeks to ensure that new development proposals incorporate measures to promote sustainable and active travel, and that connectivity with the wider neighbourhood and to Lancaster is improved. Inasmuch as key objectives of section 8 of the NPPF on promoting healthy and safe communities and section 9 promoting sustainable transport are about maximising pedestrian permeability, Policy AS2 has regard to the NPPF. However, as with other policies, AS2 is not wholly compliant with the need for policies to be clear and unambiguous.

6.31 Paragraph 1 of the Policy states that development should apply ‘wherever possible’. This is both unclear and imprecise for developers in the Parish and likely to be used to justify non-compliance. The starting point should be that provision for sustainable travel is the expectation in new development.

6.32 In clause 2 there is a reference to ‘non-vehicular’ traffic but which is intended to include cycles. As cycles are vehicles a clearer term would be ‘non-motorised’. More importantly with clause 2 it is not clear how this would be delivered as I assume it is referring to public highway and applying the hierarchy of movement to the highway. Unless this relates to a new lane being created as part of a development, (in which case I consider the point is already covered by clause 4), I fail to see how this requirement could be enforced. It appears to relate more to advisory signage etc. to reinforce the hierarchy of users as the lanes offer little opportunity to introduce physical measures. AWSPC was asked as part of the Examiner’s clarifying questions to clarify the intention and their response at Appendix 1 seems to confirm that it will principally be achieved through advisory signage. As this is already covered by proposed Parish Council Actions 1 and 2 it can be deleted from the Policy.

6.33 With these clarifications, Basic Condition a) would be met. The Policy would be in general conformity with the LPLD-PT1 at Policy SP9 which seeks to maintain strong communities including promoting the role of sustainable transport modes amongst other things. Through Policy T2 LCC will promote more walking and cycling and the AWSNP is therefore in general conformity. It also conforms with Policies DM60 and DM61 of the LPLD-PT2 which seek to enhance accessibility and transport linkage and promote walking and cycling respectively. Again these LPLD-PT2 policies are more detailed but I am satisfied that Policy AS2 adds to the strategic policies by being locally specific. By securing more sustainable modes of transport for new development the Policy would contribute to the achievement of sustainable development. Basic Conditions d) and e) are therefore also met.

Recommendation 5	
5A	In paragraph 1 of Policy AS2 delete the words ‘wherever possible’ in line 2.
5B	Delete clause 2 from the Policy and ensure that the point regarding signage is covered by the Parish Council Actions 1 and 2.
5C	<p>Relocate the Parish Council actions to revised Appendix 2 (see Recommendation 1).</p> <p>Add new paragraph 5.36 to page 28 stating:</p> <p><i>“The actions for the Parish Council and community aspirations relating to transport are set out in Appendix 2 to the plan.”</i></p>

Section 6 – Landscape and Built Character

6.34 This section of the AWSNP includes two policies designed to ensure development is appropriate to local landscape and settlement character and is underpinned by the *Aldcliffe with Stodday Design Code 2021* (AWSDC). Whilst Appendix 4 of the Neighbourhood Plan

includes a summary of the character analysis carried out in preparing the AWSDC it does not include the design codes themselves. The PPG in its advice on design states that:

“Non-strategic policies are important for providing a clear indication of the types of development that will be allowed in an area, especially where they provide a hook for more detailed local design guides, masterplans or codes”.

6.35 If Policies AS3 and AS4 (and indeed AS7 - see below) are to provide this ‘hook’ by referencing the AWSDC and offer clear and unambiguous advice, as required by the NPPF and PPG, a developer needs to be clear how the policies relate to the Design Code and for the codes to be accessible.

6.36 The most appropriate way to do that is for the text relating to the 13 design codes to be incorporated in Appendix 4.

Recommendation 6	
6A	Incorporate the text relating to the 13 design codes from the Aldcliffe with Stodday Design Code 2021 into Appendix 4 of the AWSNP
6B	In Policies AS3 and AS4 reference each subtitled section with the relevant Design Code reference number eg: “Green Spaces Views and Character (<i>Design Code 4</i>)”

Policy AS3 – Protecting and Enhancing Local Character and Landscape

6.37 Policy AS3 seeks to ensure that development contributes in a positive way to the quality of the local character and landscape. It has been informed by the Aldcliffe with Stodday Design Code carried out by AECOM for the Parish Council which as set out above has developed 13 design codes to ensure development within the neighbourhood area is of a high quality.

6.38 In as much as the NPPF at section 12 sets out similar policy objectives regarding quality of design, and encourages the use of design guides and codes, Policy AS3 has regard to national policy.

6.39 In respect of the relevant strategic policies, LPLD-PT1 Policies SP7 and SP8 seek to proactively manage and protect the built and natural heritage respectively. In addition, Policy DM29 of the LPLD-PT2 sets out the key design principles which will apply to development in the district. Although these principles are comprehensive, they remain broad brush and therefore Policy AS3, although overlapping to a degree, sets out locally specific principles and is complementary to Policy DM29. Policy AS3 therefore generally conforms to these strategic policies and develops design guidance to be applied locally. Moreover, the outcome of applying the Policy will secure more sustainable development. As such the principle of the Policy meets Basic Conditions a), d) and e).

6.40 The PPG in respect of neighbourhood plans requires that policies are clear and unambiguous and with Policy AS3, as with other policies, I have some minor concerns in this regard. First the introductory paragraph in referencing the Design Code should use the correct title of the document and reference Appendix 4 as the location where the codes can be confirmed. Secondly, in lines 2/3 the policy requires new buildings to be in harmony without stating in harmony with what. AWSPC was asked as part of the Examiner's clarifying questions if this was intended to mean in harmony with their setting. The Council has replied confirming and suggesting this is rephrased as '*... in harmony with their setting (except where buildings are less attractive)*'. Given that setting is not just about buildings and given the rest of the policy I am not persuaded that the bracketed caveat adds anything and I recommend the addition of the words '*with their setting*' only. Thirdly, in the last sentence of the introductory paragraph the Policy requires developers to ensure design is sensitive to the character of nearby heritage assets including non-designated heritage assets. The emphasis of the NPPF in section 16 both in respect of designated and non-designated heritage assets (NDHA) is that proposals should not harm the **significance** of the asset. Therefore, the Policy AS3 reference to heritage assets should at least refer to **significance** rather than just character. Fourthly, in clause 8 the requirement is unclear in using the text 'where appropriate'. In fact, Design Code 5 itself is much clearer, indicating that walls or hedges should be included **whichever is appropriate to the street or lane concerned**. The Policy needs to be modified accordingly. Similarly, in clause 15 the phrase 'where possible' is used, failing to give clear guidance and again watered down from what is set out in Design Code 11.

6.41 Finally, this section of the plan also considers the matter of conserving and enhancing heritage assets. Given that the NPPF and LPLD policies provide effective control in respect of heritage assets, the Plan does not seek to replicate this but does acknowledge that there are locally important NDHA in the Parish that should be afforded protection and looks to identify these. The identification of local heritage assets as set out in the plan and detailed at Appendix 5 is advantageous and has regard to the NPPF at section 16 giving local property owners and developers (who are often oblivious to any heritage value) advance notice of the significance of the assets and assisting decision makers to understand impacts of development on the assets.

6.42 What is not clear at all from the AWSNP is how this activity at Parish level relates to LCC's list of local heritage assets: for example whether the selection criteria used have been informed by LCC's approach and whether the identified assets in Appendix 5 will be added to the City Council's local list. In view of this uncertainty as part of the Examiner's clarifying questions I asked both Councils to clarify the position.

6.43 LCC has confirmed that the selection criteria used were consistent with those used by the City Council and that it agrees with the properties identified as NDHA. It stated that the intention however was not to add the NDHA identified in the AWSNP to the local list. In respect of this last point the proposal to retain the Parish identified NDHA separate to LCC's own list is at odds with the practice in some other authorities and will potentially result in confusion as to what weight may be attached to the NDHA identified in the

AWSNP and should be resolved. However, as the matter does not directly involve a conflict with the Basic Conditions, I make no formal recommendation in this regard. What is required though is an amendment to the supporting text in section 6 of the AWSNP at paragraph 6.8 to make clear that the selection criteria are consistent with those used by LCC and that the buildings and structures identified are agreed by the Council.

Recommendation 7	
7A	<p>Rephrase the start of Policy AS3 to read:</p> <p>“Development should demonstrate how <i>the design codes in the Aldcliffe with Stodday Design Code 2021 as set out at Appendix 4</i> have been incorporated into designs.”</p> <p>In paragraph 6.14 of the supporting text make a similar correction to refer in the first line to the <i>Aldcliffe with Stodday Design Code 2021</i> rather than ‘Design Guidelines’.</p>
7B	<p>Add after the word ‘harmony’ in line 3 of paragraph 1 of Policy AS3 the words “<i>with their setting</i>”</p>
7C	<p>Rephrase the last sentence of the introductory paragraph to Policy AS3 to start:</p> <p>“Designs should be sensitive to the character <i>and significance</i> of any nearby heritage assets.....”</p>
7D	<p>Rephrase clause 8 of Policy AS3 to read:</p> <p>“<i>Walls or hedgerows, whichever is appropriate to the character of the particular lane, should be used in boundary treatments to enclose and define the lane</i>”</p>
7E	<p>Rephrase clause 15 of Policy AS3 to delete the words ‘where possible’ in the first sentence.</p>
7F	<p>In the supporting text to policies AS3 and AS4 at paragraph 6.8 line 3 after the word ‘criteria’ add the following text:</p> <p>“... <i>which are consistent with the selection criteria used by Lancaster City Council in identifying non-designated heritage assets</i>”.</p> <p>Add at the end of Paragraph 6.8 the words:</p> <p>“...<i>and the identification of these assets is supported by Lancaster City Council.</i>”</p>

6.44 Policy AS3 as modified would meet Basic Conditions a), d) and e).

Policy AS4 – Promoting High Quality and Detailed Design

6.45 Policy AS4 is designed to work in tandem with Policy AS3 seeking to ensure high quality in specific and detailed elements of a development's design. As with Policy AS3 it has been informed by the AWSDC and the design codes.

6.46 Again given the focus of the NPPF at section 12 seeking a high quality of design, and encouraging the use of design guides and codes, Policy AS4 has regard to national policy.

6.47 The relevant strategic policies in the LPLD-PT1 and LPLD-PT2 are broadly as for Policy AS3 and the policy is in generally conformity with them and adds local guidance. Again, the outcome of applying the Policy will secure more sustainable development. As such the principle of the Policy meets Basic Conditions a), d) and e).

6.48 As with Policy AS3 and in order to ensure the policy is clear and unambiguous as required by the NPPF and PPG there are similar modifications that need to be made. The introductory paragraph in referencing the Design Code should use the correct title of the document and reference Appendix 4 as the location where the codes can be confirmed.

6.49 I note that clause 3 of Policy AS4 supports the use of dormers with neither the policy nor the related Design Code 8 giving any real guidance as to what is intended. Dormers are notoriously an area of poor design and, whilst I will make no formal recommendation as there is no conflict with Basic Conditions, the Councils may wish to consider whether clause 3 should carry a caveat relating to an appropriate scale of dormer.

Recommendation 8	
8A	<p>Rephrase the start of policy AS4 to read:</p> <p><i>“Development should incorporate <i>the design codes in the Aldcliffe with Stodday Design Code 2021 as set out at Appendix 4.</i>”</i></p>

6.50 With this modification in place Policy AS4 will meet the Basic Conditions.

Section 7 – Housing and Community Infrastructure

Policy AS5 - Housing

6.51 Given the strategic policy background in LPLD-PT1 Policy SP2 and LPLD-PT2 Policy DM4 where Aldcliffe and Stodday are not identified as sustainable rural settlements, housing development, where it takes place, should be to meet local housing need only. That being the case no allocation for housing is proposed in the plan and Policy AS5 instead sets out the circumstances where small-scale development to meet local housing

need would be supported. Specifically, the policy also looks to secure a mix of housing that reflects the latest evidence in respect of size and type of housing needed. The evidence base and particularly the housing needs assessment and survey identifies a need for smaller dwellings and Policy AS5 addresses this. Some concern has been expressed in the Regulation 16 representation on behalf of Aldcliffe Hall Estates regarding what is considered a further restriction on housing. Controlling housing mix needs to be done flexibly but I am satisfied that the policy is based on evidence, is advisory and does not set out fixed targets to be met. The Policy states that in particular smaller format housing will be supported. It does not preclude other types. Moreover, it acknowledges that although the current evidence is from the 2019 assessments, in applying the policy the most up-to-date housing needs assessment will be considered.

6.52 The Policy has regard to the NPPF objective in section 5 to secure an appropriate mix of housing and housing choice. LPLD-PT1 Policy H2 on rural housing and its supporting text at paragraph 20.6 allows for neighbourhood plans to make provision where they are required to meet housing supply but in Aldcliffe with Stodday's case the strategic policies make no requirement of the parish other than to meet local housing need. LPLD-PT2 Policy DM4 sets out the approach to housing in rural areas and, whilst there is some overlap by Policy AS5 in its introductory paragraph, the rest of the Policy sets out locally specific criteria complementing Policy DM4. As Policies DM3 and DM5 of the LPLD-PT2 set out in detail arrangements in respect of affordable housing and rural exception sites respectively the AWSNP considers there is no need for policy coverage in this respect in the neighbourhood plan. Policy AS5 is in general conformity with this strategic policy background and ensuring a mix of housing provision targeted at meeting local housing needs will help achieve a sustainable community and therefore in principle the Policy meets Basic Conditions a), d) and e).

6.53 There are, however, two minor issues with the Policy in terms of it being clear and unambiguous as required by the NPPF and PPG and therefore the ability to fully meet Basic Condition a). Clause 5) requires design to adhere to guidance set out in the 'Housing Design Codes' but it is unclear to the reader what these are or where they can be accessed. Accordingly, as part of the Examiner's clarifying questions, the Parish Council was asked to clarify the intention. In response AWSPC have stated that the text in the Policy does refer to the Aldcliffe with Stodday Design Code 2021. This needs to be clarified in the Policy.

6.54 In clause 8 Policy AS5 uses the term 'where appropriate' which is imprecise and unclear to a developer. It should be replaced with a more positive wording that 'development should take opportunities to...'

Recommendation 9	
9A	In Policy AS5 clause 5 replace the words 'Housing Design Codes' with the words "<i>the Aldcliffe with Stodday Design Code 2021</i>".

9B	<p>In Policy AS5 Clause 8 reword to read:</p> <p><i>“Development should take opportunities to support the provision....actions”</i></p>
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6.55 With these modifications, Policy AS5 would meet the Basic Conditions.

Community Facilities and Open Space

6.56 There are no formal community facilities within the neighbourhood area and the AWSNP recognises that direct provision would probably not be feasible for a parish of the size of Aldcliffe with Stodday. The plan therefore proposes that opportunities will be taken through external funding sources and developer contributions where available to progress community action projects designed to deliver small scale community facilities. This approach is realistic for the parish and has regard to section 8 of the NPPF. It is also in general conformity with LPLD-PT1 Policies SP9 and SC5 which look to maintain strong communities and provide open space in areas of deficiency respectively. Policy SC5 identifies the Marsh area which is within the Parish as a recreation opportunity area. Policy DM27 of the LPLD-PT2 also supports the provision of open space in areas of deficiency.

6.57 The AWSNP also considers communications networks as part of community facilities and approaches the need to secure improvements in the communications network in a similar manner to the other community facilities namely that external and developer funding will be applied to deliver Parish community action projects. Again this is in general conformity with Policies DM58 and DM 59 of the LPLD-PT2.

6.58 The improvement of community facilities and networks will contribute to the achievement of sustainable development and as a result the plan approach meets the basic conditions a), d) and e).

6.59 However, given Recommendation 1 to relocate the community actions from the body of the plan into a revised Appendix 2 it is necessary to modify the wording in paragraph 7.35.

Recommendation 10	
10	<p>Reword paragraph 7.35 to read:</p> <p><i>“The Steering Group has identified a number of Parish Council actions and community aspirations to respond to these issues and to establish the local priorities for infrastructure provision. These are set out in Appendix 2.”</i></p> <p>(See also Recommendation 1)</p>

Section 8 – Climate Change and Sustainability

6.60 Section 8 of the plan includes a suite of 3 policies designed to ensure development in the neighbourhood area responds to climate change by demonstrating sustainable design. As stated in section 5 of the examination report above LCC has already commenced a review of the LPLD in response to the climate emergency. The AWSNP in anticipation of the emerging LPLD wishes to ensure that development in Aldcliffe with Stodday is as sustainable as possible through the application of these three policies.

Policy AS6 - Community Energy Schemes

Policy AS6 is a policy simply supporting development of small community based renewable energy schemes provided they do not harm the natural environment.

Policy AS7 – Sustainable Design

Policy AS7, as with Policies AS3 and AS4, is intended to require development to accord with the Aldcliffe with Stodday Design Code - Design Code 1 on sustainable design.

Policy AS8 – Surface Water Drainage

Policy AS8 was added as a result of concern raised by United Utilities at the Regulation 14 pre-submission consultation stage and seeks to ensure development in the parish adopts a sustainable approach to surface water drainage.

6.61 Section 14 of the NPPF seeks to meet the challenge of Climate Change including making the transition to a low carbon future and protecting from flood risk. Paragraph 155 encourages plans to increase the use and supply of renewable energy and at 156 to encourage community led initiatives. Policy AS6 therefore has had regard to this national policy.

6.62 Section 12 and 14 of the NPPF together require development to achieve sustainable design with section 12 encouraging the development of design guidance and codes. Accordingly, Policy AS7 has regard to national policy.

6.63 Section 14 of the NPPF sets out in detail the approach to minimising flood risk and there is therefore no need for the AWSNP to repeat it. Surface water flooding as a result of inappropriate design of surface water drainage can however aggravate flooding problems even where development is located in accordance with a Flood Risk Assessment and Policy AS8 responds to this risk. It therefore also has regard to national policy.

6.64 Policy SP8 of the LPLD-PT1 seeks to protect the environment from climate change amongst other things while Policy DM30 of the LPLD-PT2 sets out principles to ensure development is sustainable including the reduction of energy consumption and the use of renewables and community led energy schemes. As with Policy DM29 in respect of policies

AS3 and 4 the principles in DM30 are comprehensive but are again broad brush and therefore Policies AS6- 8, although overlapping to a degree, set out locally specific principles and are complementary to Policy DM30. Finally, Policy DM34 of the LPLD-PT2 sets out the approach in regard to surface water drainage and SuDS.

6.65 As recommended to be modified as below Policies AS6, AS7 and AS8 taken together generally conform to these strategic policies and include locally specific guidance. Policy AS8 on surface water drainage will also be in general conformity with the reviewed policy DM34 in the emerging Climate Emergency Local Plan Review. Moreover, the outcome of applying the three policies together will deliver more sustainable development.

6.66 Whilst the principle of the Policies meets the Basic Conditions, in respect of Policy AS7 the requirement of the NPPF and PPG for policies to be clear and unambiguous is not wholly met. As with Policies AS3 and AS4 there is a lack of clarity with respect to the relationship to the Aldcliffe with Stodday Design Code 2021. The Policy and supporting text at paragraph 8.13 and 8.14 needs to correctly identify the title of the document and the specific design code (in this case Code 1).

6.67 With respect to clause 1 of Policy AS7 the text is worded in a confusing manner. As the detail is set out in Design Code 1 the Policy can be simplified so that it is clear and unambiguous. However, in respect of this clause LCC has also made a representation at the Regulation 16 stage. Because the Climate Emergency Local Plan Review is underway the Council is alert to the fact that policy in the review relating to sustainable design may diverge from the current government standard. To ensure the AWSNP remains in conformity, LCC suggests that the words "*or any other standards required by the Local Plan*" are added to Clause 1 after the reference to government standards. The suggested addition is reasonable given the speed of change in respect to the climate emergency and to ensure continued relevance of the Policy once the Local Plan Review is found to be sound and adopted.

6.68 In respect of clause 2 of Policy AS7 and Policy AS8, Regulation 16 representations from Lancashire County Council as LLFA and from United Utilities also express concern regarding how the plan approaches surface water drainage and Sustainable Drainage Systems (SuDS). The LLFA proposes that the policy is updated to align with the equivalent policy in the emerging Climate Emergency Local Plan Review Part 2 (DM34) and proposes text to do so. However, the NPPF and PPG make it clear that it is neither necessary nor desirable to repeat policy at different levels of the planning policy hierarchy and changing Policy AS8 in the manner proposed by the LLFA (largely a replication of the emerging reviewed policy DM34 set out in the Regulation 19 document) would be inappropriate.

6.69 However, the LLFA make the point that the Surface Water Sustainable Drainage Hierarchy has moved away from emphasising underground components, including soakaways, with greater emphasis given to above ground components. That being the case the hierarchy set out in Policy AS8 is potentially misleading and, I accept, should be revised. The LLFA also propose an alteration to clause 2 of policy AS7. However, as this clause is largely replicated by the new Policy AS8 it is potentially confusing and unclear to

retain both. The clause should be deleted from Policy AS7 and relocated to form the introduction to a revised Policy AS8. Finally, in respect of Policy AS8 the last paragraph starts with the words ‘where appropriate’ which again is not a clear and unambiguous policy statement as required by the NPPF and PPG and the last paragraph accordingly needs to be modified.

6.70 Although these modifications involve considerable textual change to Policy AS8 I am satisfied that the essential purpose and objective of the policy remains the same.

Recommendation 11	
11A	<p>Reword introductory paragraph to policy AS7 to read:</p> <p><i>“New housing should be designed to reflect the guidelines for sustainability and energy and resource efficiency in the Aldcliffe with Stodday Design Code 2021 at Design Code 1 as set out at Appendix 4.”</i></p>
11B	<p>Reword the first sentence of clause 1 of policy AS7 to read:</p> <p><i>“The design of buildings should minimise heat and energy loss and developers should seek to incorporate the highest recognised government standards of insulation and energy efficiency applying at the time or any other such standards required by the Local Plan.”</i></p>
11C	<p>Delete Clause 2 in its entirety. It will be replaced by wording in Policy AS8 (see Recommendation 11E below).</p>
11D	<p>In paragraph 8.13 line 1 – replace the words ‘Design Guidelines for the parish’ and replace with <i>“Aldcliffe with Stodday Design Code 2021 (Design Code 1) has....”</i></p> <p>In paragraph 8.13 In Line 4 – delete the word Guidelines and replace with the word <i>“Code”</i></p> <p>In paragraph 8.14 replace the last sentence with the following: <i>“If a developer cannot reach the standards in respect of sustainability and energy with respect to Design Code 1 they should demonstrate why.</i></p>
11E	<p>Reword Policy AS8 to read:</p> <p><i>“Surface water from new development must be managed through a Sustainable Drainage System (SuDS) in accordance with the following Surface Water Sustainable Drainage Hierarchy and should not increase pressure on existing wastewater and natural drainage systems.</i></p> <ul style="list-style-type: none"> <i>i. Re-use and reduce surface water run-off including measures such as rainwater harvesting and use of green walls and roofs,</i> <i>ii. Infiltration using surface components such as permeable surfaces, infiltration basins, swales and trenches, wetlands etc.</i> <i>iii. Attenuation above ground in ponds or water features for gradual release into infiltration features and if this is not possible to a water course,</i>

	<p>iv. Attenuate surface water via soakaways or storage in tanks or sealed water features for gradual release into infiltration features and if this is not possible a water course,</p> <p>v. In exceptional cases, controlled discharge to a sewer or other drainage system, via above ground attenuation, and if this is not possible underground attenuation.</p> <p>Applicants wishing to discharge to the public sewer will need to submit clear evidence demonstrating why alternative options are not available as part of the determination of their application.</p> <p>The development should avoid all non-permeable surfaces and deliver a water management system which minimises surface water run-off and ensures that all surface water is addressed within the site boundary. Every option should be investigated before discharging surface water into a public sewerage network, in line with the Surface Water Sustainable Drainage Hierarchy.”</p>
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6.71 With these modifications, Policies AS6, AS7 and AS8 and their supporting text will meet Basic Conditions a), d) and e).

Section 9 and 10 – Next Steps and Monitoring and Review.

6.72 Section 9 of the plan sets out the next steps in preparing the plan. The text raises no issues in respect of the Basic Conditions and the only change needed is to update the text to reflect the stage reached.

6.73 Section 10 sets out a table of monitoring indicators for each policy and a commitment to review the AWSNP within 2 years of the adoption of the LPLD review. One of the Regulation 16 representations raised a concern regarding the second indicator for Policy AS5 which they argue is unclear. I agree that the way in which the indicator is worded is not clear but the intention has been confirmed with AWSPC as part of the Examiner’s Clarifying Questions that the target is intended to be that 100% of any housing delivered through the grant of planning permission should be smaller 1-3 bedroom dwellings. Given the findings of the evidence base the target is reasonable and the monitoring indicator just needs to be clarified.

Recommendation 12	
12	<p>Reword the text in the monitoring data column in Row 7 of the monitoring table as follows:</p> <p>“Percentage of houses granted planning permission which are smaller 1-3 bedroom dwellings – Target 100%.”</p>

7 Other Matters

Other housing proposals put forward in Regulation 16 representations

7.1 Two representations from developers at the Regulation 16 stage raised concerns that no additional housing land is allocated through the AWSNP. They propose that land in the Parish should be brought forward now to meet identified local need. Aldcliffe Hall estates representation in particular proposes that, as they consider there are no infill, or previously developed sites or sites suitable for conversion in the Parish, land on the edge of Aldcliffe within Estates land would be available and could be developed.

7.2 In view of these representations seeking additional housing supply through the AWSNP, and as part of the examiner's clarifying questions, I asked AWSPC to confirm whether they had carried out a call for sites to identify suitable land and whether they agreed with the respondent's view that there were no sites falling into the categories set out in the Policy. LCC was also asked whether it was on track to deliver housing to target. LCC's reply at Appendix 1 below confirms that, at the time the LPLD was adopted, sufficient provision was made through allocations in the LPLD-PT1 to meet the requirement up to 2031. However, partly as a result of the pandemic, delivery has slowed and currently the Council does not have a 5 year supply of available and deliverable housing land.

7.3 Notwithstanding this, given the strategic policies of the LPLD-PT1 and the LPLD-PT2 relating to the development strategy, (which do not identify Aldcliffe or Stodday as sustainable rural settlements), it would be inappropriate to allocate land in the Parish and only development to meet a local housing need should be brought forward. This being the situation also applying when the AWSNP was being prepared, the Parish Council has confirmed that no call for sites was made and the preferred approach was to include a criteria-based policy (AS5) that would allow housing in the event of a local housing need and a suitable site being put forward.

7.4 The Parish Council disagrees with the respondent's view that there are no sites falling within the categories set out in Policy AS5. From my observations on the site visit whilst I accept opportunities for new housing compliant with Policy AS5 would clearly be very limited, there were some that would be compliant.

7.5 In any event, if there proved to be evidence that, additional housing was required and could not be accommodated as envisaged in clause 1 of Policy AS5, exceptionally, Policy DM5 of the LPLD-PT2 would allow for the possibility of development adjacent to the settlement as a rural exception site provided all requirements of that policy were met.

7.6 Finally, it would be procedurally impossible at this stage to recommend the allocation of additional sites without the current AWSNP being withdrawn and revised proposals, as well as a Strategic Environmental Assessment Report and Appropriate Assessment, being taken back through pre-submission consultation. As there is no other reason to warrant this course of action it would be entirely unjustified.

7.7 Accordingly, for the reasons stated I do not recommend any change to the AWSNP now in response to these representations requesting the allocation of housing sites.

Marine Maritime Organisation - Regulation 16 representation

7.8 The MMO in their Regulation 16 representation advise that the North West Marine Plan (NWMP) should be referenced in the AWSNP together with the duty to cooperate. The NWMP jurisdiction is from the Mean High Water Springs Mark and includes inshore and offshore waters and the tidal extent of the River Lune within the Neighbourhood Area. Whilst it is unlikely that development would take place within this zone, development within the parish and close to this zone may impact on it. Although the MMO suggested an addition in section 1 of the plan this is not appropriate as that section is referring to the Basic Conditions. A more appropriate reference point is a new paragraph following paragraph 5.11 where the plan is considering conservation of the natural environment.

Recommendation 13	
13	<p>Add new paragraph following paragraph 5.11 on Page 18 to read:</p> <p><i>“Where development is likely to impact on the foreshore and marine environment below the Mean High Water Springs Mark there is a duty to cooperate with the Marine Management Organisation and the North West Marine Plan will also be a relevant consideration.”</i></p>

United Utilities - Regulation 16 representation

7.9 As part of its Regulation 16 representation United Utilities propose that two additional policies are added to the AWSNP. The first of these relates to control over the impact of development on existing businesses and community facilities and in particular on strategic infrastructure such as the Waste Water Treatment Facility. The second suggested addition is in respect of water efficiency. There is not the policy content in the AWSNP that would allow minor additions to be made to cover these matters. Adding entirely new policy content at this stage in the AWSNP is not possible without the current plan being withdrawn, put through a further consultation process and resubmitted for examination. In any event as both policy areas are largely covered in the Climate Emergency Local Plan Review now at an advanced Regulation 19 stage and in view of advice in the NPPF and the PPG that it is not necessary for policy to be repeated at different levels of the planning policy hierarchy it would be inappropriate to duplicate policy coverage. It would however be possible to add a reference in the supporting text of the plan at paragraph 3.3 to emphasise the strategic importance of the waste water treatment facility and the fact that it needs to be considered in planning development.

7.10 The United Utilities representation at the Regulation 16 stage also sought clarification with regard to the proposed community action to create a wildlife haven on land adjacent to

the satellite sewage pumping station. In response to the Examiner's clarifying questions AWSPC has confirmed that the land is not within United Utilities' ownership but that in any event the landowner has expressed a wish that this proposal is not pursued and the Parish has agreed. As changes to the community actions (other than to relocate them in an Appendix and make text adjustments to facilitate that) are not within my purview I make no formal recommendation to delete the proposed action.

Recommendation 14	
14	<p>Reword paragraph 3.3 as follows:</p> <p><i>“There is strategic infrastructure within the neighbourhood area in the form of a large waste water treatment works to the west of Stoddayand to increase capacity. This strategic infrastructure will be a consideration in planning new development in the plan area.”</i></p> <p>Delete the last two sentences of the paragraph.</p>

Typographical and formatting corrections

7.11 There are a number of typographical/grammatical errors in the Plan which ought to be corrected. In addition to proposing modifications to ensure the Plan meets the Basic Conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 2, and, in modifying the Plan as set out above and finalising it for the referendum, these typographical amendments should be made.

Recommendation 15	
15	<p>Make typographical and grammatical corrections as set out in Appendix 2 at the end of this report.</p>

8 Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Aldcliffe with Stodday Neighbourhood Plan should proceed to a referendum.

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

8.3 The neighbourhood area covers the administrative area of Aldcliffe with Stodday Parish. The AWSNP policies and proposals themselves will not affect surrounding areas to

any degree and therefore I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other Referendum Area than the neighbourhood area and no representations have been submitted seeking an alternative approach.

Recommendation 16	
16	I recommend to Lancaster City Council that the Aldcliffe with Stodday Neighbourhood Plan, modified as specified above, should proceed to a referendum based on the Aldcliffe with Stodday Neighbourhood Area as approved by the City Council on 10 December 2018.

Peter D Biggers MRTPI AIHBC - Independent Examiner – 9 March 2022

Appendix 1 - Examiner's Clarifying Questions and Information Requests put to Aldcliffe with Stodday Parish Council and Lancaster City Council

Questions and Information Requests to Parish Council (February 2022)

Question PC1:

In respect of Policy AS1 how is it envisaged that Biodiversity net gain maintenance over 30 years will be enforced?

PC Response

Through the Environment Bill it is envisaged that habitat (biodiversity net gain) will be secured for at least 30 years via planning obligations or conservation covenants. Planning applications subject to mandatory BNG will be required to submit a biodiversity gain plan for authority approval, and it is expected that further detail as to what these biodiversity gain plans will entail (for example, addressing issues around maintenance) will come through the secondary legislation (BNG consultation currently underway). If it is provided onsite, details will be required via a management and maintenance plan (potentially part of the biodiversity gain plan). LCC is currently exploring off site provision, as there isn't currently a mechanism in place (as explained in response to Question PC/LCC1 below). Secondary legislation is awaited for clarification.

Question PC2

In respect of Policy AS1(2)ii – Should this refer to 'Fairfield Association rather than 'Fauna'?

PC Response

This should say 'the Flora and Fauna Nature Reserve managed by the Fairfield Association....'

Question PC3

In Policy AS2(2) if this clause is intended to relate to lanes that are public highways – how is it intended the objective will be achieved?

PC Response

During the preparation of the NDP the SG researched the possibility of identifying and incorporating 'Quiet Lanes' in the NDP in recognition of the area's important local role for recreation - walking, cycling and horse-riding. However there were no plans at the time of discussion for rolling out such a scheme in Lancashire.

Highway Code para 218 sets out that 'these are places where people could be using the whole of the road for a range of activities such as children playing or for a community event. [Drivers] should drive slowly and carefully ... be prepared to stop to allow people extra time to make space to pass them in safety.'

Where such lanes are public highways, then signage could be provided to advise motor vehicle users that they are entering a stretch of road where they should drive slowly and carefully to ensure the safety of other users such as walkers and cyclists.

Refer also to Parish Council Actions p28, particularly 1 which refers to improvements to prioritise non car users and provide a safer environment and 2 which refers to signage.

Ideally the Parish Council would like to see a reduction in the speed limit across the Parish.

Question PC4

In Policy AS3 paragraph 1 – is it the intention that new buildings are to be in harmony ‘with their setting’? Currently the policy just says to be in harmony but without saying with what.

PC Response

Yes. This would read better as ‘... in harmony with their setting (except where buildings are less attractive) ...’.

Question PC5

In the data column for monitoring policies AS4, AS5 and AS8 the text appears to have just been copied across from the entry for policy AS3 as it refers to ‘landscape’. Is this a mistake should it read ‘design grounds’ for AS4 and ‘sustainability grounds’ for AS7 for example?

PC Response

Yes – this was a drafting error.

AS4 should read: ‘Applications refused/approved on ~~landscape~~ design grounds where policy AS4 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.’

AS5 should read: ‘Applications refused/approved on ~~landscape~~ house type grounds where policy AS5 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.’

AS7 should read: ‘Applications refused/approved on ~~landscape~~ sustainability grounds where Policy AS7 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.’

Question PC6

In response to United Utilities Reg 16 Representation – where are the Biodiversity Net Gain proposals intended to be located relative to the satellite sewage pumping station referred to in Appendix 2?

PC Response

Please refer to the Table, ‘Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022’.

Refer to reference 7.3 pp12-13. This sets out that this area of land is not in UU ownership. The proposal has been discussed with the landowner again and the landowner would prefer it if it was deleted from the Plan. The PC is happy to do this.

Question PC7

Regarding the JWPC comment in their Reg 16 representation what assessment, if any, did the Parish Council and Steering Group make of small sites that could come forward?

PC Response

Please refer to Ref 6.4 pp8-9 in the Table 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

The Parish Council have not undertaken an assessment of possible small sites in the parish. However, development schemes have come forward from time to time in Aldcliffe with Stodday and the NDP provides a robust and positive planning policy framework to help guide decisions about development in the future. Small scale schemes are considered to be more appropriate to the rural context than large scale major developments which could have significant adverse impacts on local character, as noted in recent appeal decisions.

Question PC8

In respect of policy AS5 JWPC argue that no sites exist in the neighbourhood area that would be infill/conversion/or previously developed sites. Is this a view shared by the Parish Council in respect of the current situation in the parish?

PC Response

No this is not accepted

Question PC9

JWPC in their reg 16 representation appear to have a difficulty with the monitoring target proposed for policy AS5. I read this that the Parish want 100% of **any** new housing to be smaller units ie less than 3 bedroom – is that correct?

PC Response

The PC wants 100% of any new housing to be smaller units ie 3 bedrooms or fewer.

Please refer to Ref 6.6 pp9-10 in the Table 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

Additional Question PC10 (Posed subsequent to the above):

Policy AS5 (5) refers to designs adhering to the guidance set out in Housing Design Codes – Is this intended to be the Aldcliffe with Stodday Design Code or something different eg the National Design Guide or Building for Life 12 or similar.

PC Response:

This relates to the Aldcliffe with Stodday design codes. The design codes document does not have a specific code just for 'housing' so perhaps the word 'Housing' should be deleted from AS5 (5) to improve clarity.

Questions to Lancaster City Council (February 2022)

Question LCC1:

With respect to the text at Paragraph 5.18 has the application to designate Aldcliffe Hall Drive as a PROW been confirmed?

LCC Response

Lancashire County Council administer PROWs. This is an application which led to an Order being made and there were objections to the Order when it was advertised. This now has to be submitted to the Secretary of State for a decision but hasn't been sent. It is Lancashire County Council's view that the route does carry public rights, however, a final decision will not be made until the process has run its course including either a public inquiry or exchange of representations. A timescale is not available but it will be some time away.

Question LCC2

In paragraph 5.26 has the Movement Strategy referred to been completed yet?

LCC Response

No work is still ongoing

Question LCC3

What stage has Bailrigg Garden Village reached and is there actually any development proposed within the parish? If so, should a specific statement be made in ASNP recognizing the position and that policy AS5 relates to the 'rest of the parish'?

LCC Response

Bailrigg Garden Village is expected to be located within the Broad Location for Growth identified by policy SG1 in the adopted local plan. The Broad Location for Growth abuts but does not include land within Aldcliffe with Stodday Parish. LCC has commenced progress on an Area Action Plan which will allocate land for development within the Broad Location for Growth but is not yet at a stage where defined areas are available.

A supplementary question was asked of LCC after the examination report fact check stage as follows:

Question LCC4

Whether the district housing requirement will be met through existing commitments and sites allocated in the LPLD PT1 and whether a 5 year supply exists.

LCC Response

The Local Plan for Lancaster District was adopted on 29th July 2020 and allocated a sufficient range of sites to meet the district's housing requirements over the plan period. The strategic approach taken in the Local Plan towards the delivery of housing (in terms of scale and distribution) was accepted by the Planning Inspector during the Public Examination process. Following the adoption of the Local Plan the Council has

experienced a delay in the anticipated delivery of sites. This has in part been due to the impacts of the pandemic which has resulted in delays in delivery. This has meant that the Council has had to readjust its housing trajectory and at present is unable to demonstrate a 5 year supply. The Authority will continue to review, at a strategic level, the implications of low housing delivery.

Questions for Both Councils

Question PC/LCC1

In Policy AS1(2) how will contributions be secured – will this be by S106? Has Natural England asked Lancaster City Council to secure contributions to the management of Morecambe Bay from all residential development within a certain radius as has been agreed with many other Councils in respect of European sites?

LCC Response

Any contribution to deliver BNG off-site would need to be secured through a S106 Agreement. At present there is no mechanism in place at LCC to manage the delivery of off-site biodiversity. This will be prepared as part of the LCC's work on BNG over the coming months and in preparation for when BNG will be mandatory from November 2023. In the absence of this work this would need to be managed on a case-by-case basis with opportunities for off-site provision explored.

The potential for an increase in recreational pressure upon Morecambe Bay as a result of housing developments within 3.5 km and employment sites within 1.5 km of the European sites was considered within the Appropriate Assessment for the adopted Local Plan. A range of mitigation measures were identified through the Local Plan to address this. This included the preparation of home owner packs for sites falling within this radius.

No contributions are presently required or have been requested by Natural England.

LCC continue to have discussions with Natural England regarding this issue and are investigating the preparation of a joint document with neighbouring authorities which would provide a more joined up approach to the management of recreational pressure across the Bay area. The requirement for any contributions would be investigated through this work and would need to be viability tested.

Question PC/LCC2

In Paragraph 6.8 has LCC been involved in agreeing the basis for the identification of non-designated heritage assets and does LCC agree with those assets 'listed' in the appendix to the neighbourhood plan?

LCC Response

The basis for the identification of non-designated heritage assets is the same as the criteria used by LCC and LCC agrees with the assets 'listed' in the appendix.

A supplementary question was asked of LCC whether it was the intention to add the non-designated heritage assets identified to Lancaster City's Local List

LCC Response

No the intention is that they would remain a Parish list of NDHA.

February 2022

Examiners Footnote - *At the time the questions above were prepared and submitted to the Parish Council the examiner was unaware that the Parish Council had prepared its own response to the Regulation 16 Representations and which answer in part some of the questions that arose as a result of the representations.*

Appendix 2 - Recommendation 15 - Typographical Corrections

Page	Location	Correction
8	Paragraph 3.1 Line 5	Delete the word 'within'. Reason – to make grammatical sense.
10/11	Vision Line 4	Replace the word 'to' with " <i>in</i> ". Reason – to make grammatical sense.
21	Policy AS1(1) Line 2	Delete the word 'by'. Reason – to make grammatical sense.
21	Policy AS1(2ii) Line 1	Delete the word 'Fauna' and replace with " <i>the Flora and Fauna Local Nature Reserve managed by the Fairfield Association....</i> " Reason - Title for the LNR is incorrect.
27	Policy AS2(4) Line 1	Replace the words 'choice or' with the words " <i>choice of</i> ". Reason – to make grammatical sense.
28	Actions Table – Action 2 Line 6	Delete the repetition of the words 'improved signs'. Reason – duplication of text.
39	Para 7.6 Contd Lines 3-5	Delete the sentence beginning 'Barn conversions....' Reason - duplication of text.
54	Monitoring Table Policy AS4 Line 2	In the monitoring Data column – change the word 'landscape' for " <i>design</i> ". Reason - text has been copied across incorrectly.
54	Monitoring Table Policy AS5 Line 2	In the monitoring Data column – delete the word 'landscape' and replace with the words " <i>house type</i> ". Reason - text has been copied across incorrectly.
54	Monitoring Table Policy AS7 Line 2	In the monitoring Data column – change the word 'landscape' for " <i>sustainability</i> ". Reason - text has been copied across incorrectly.
59	Appendix 4 – Pattern and Layout of Buildings – Line 4	Replace the word 'the' with the word " <i>that</i> ". Reason - to make grammatical sense.
	Throughout Plan	General updating of references to procedure and stage reached as plan moves forward to referendum