

Halton-with-Aughton Neighbourhood Development Plan

A report to Lancaster City Council of the Independent
Examination of the Halton-with-Aughton Neighbourhood
Development Plan

Copy to Halton-with-Aughton Parish Council

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Summary of Main Findings

This is the report of the Independent Examination of the Halton-with-Aughton Neighbourhood Development Plan. The Neighbourhood Plan relates to the Parish of Halton-with-Aughton which was designated as a Neighbourhood Area by Lancaster City Council on 27 October 2015. Halton-with-Aughton Parish Council is the qualifying body that has submitted the plan to Lancaster City Council. The plan period runs until 2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

As the Neighbourhood Plan was submitted to the City Council before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I must undertake this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The parish of Halton-with-Aughton was designated as a Neighbourhood Area (the Neighbourhood Area) by Lancaster City Council (the City Council) on 27 October 2015. The Halton-with-Aughton Neighbourhood Development Plan (the Neighbourhood Plan) has been submitted by Halton-with-Aughton Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group supported by consultants Kirkwells.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council on 11 December 2024, and submitted to the City Council on 28 January 2025. The City Council arranged a period of publication between 10 March 2025 and 28 April 2025. The City Council subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 23 June 2025.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the City Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. The City Council will decide what action to take in response to the recommendations in this report.

6. The City Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the City Council subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the City Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the City Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the responses of the District and Parish Councils to my requests for clarification of matters; and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area.
14. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the City Council on 27 October 2015. A map of the Neighbourhood Area is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the submission version Neighbourhood Plan states the plan period is 2024 – 2031. Paragraph 1.2 of the Neighbourhood Plan confirms the plan period runs until 2031.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Halton-with-Aughton Neighbourhood Development Plan 2024-2031 Submission Draft including Appendices 1 to 4 December 2024
- Halton-with-Aughton Neighbourhood Development Plan 2024-2031 Basic Conditions Statement December 2024 [In this report referred to as the Basic Conditions Statement]
- Halton-with-Aughton Neighbourhood Development Plan 2024-2031 Consultation Statement January 2025 [In this report referred to as the Consultation Statement]
- Halton-with-Aughton Neighbourhood plan (Submission Version December 2024) Strategic Environmental Assessment (SEA) Screening Report
- Halton-with-Aughton Neighbourhood Plan (Submission Version December 2024) Habitats Regulations Assessment (HRA) Screening Report
- Information available on the Halton-with-Aughton Parish Council website including the Halton Conservation Area Appraisal 2009
- Information available on the City Council website including Jacobs Flood Risk Management Study, Halton Initial Assessment, February 2020; Landscape Character Assessment at Area of Separation between Lancaster and Halton, May 2023; Halton-with-Aughton Neighbourhood Development Plan Local Green Space Assessment Report December 2024; Parishes of Halton with Aughton and Caton, Quernmore and Skerton Housing Needs Survey for the Lune Valley Community Land Trust November 2019
- Representations received during the Regulation 16 publicity period and the comments of the Parish Council on those representations dated 7 July 2025
- Correspondence between the Independent Examiner and the City Council and the Parish Council including: the initial letter of the Independent Examiner dated 23 June 2025; the letter of the Independent Examiner seeking clarification of a matter dated 11 July 2025 and the joint response of the City and Parish Councils dated 16 July 2025
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Lancaster City Local Plan Strategy 2008-2029 (adopted 17 February 2015) and Lancaster City Local Plan Allocations 2008-2029 (adopted 16 July 2019)
- Documents relating to the emerging Local Plan 2043
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance which should be taken to also include all Written Ministerial Statements]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016

- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods. A summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan are presented in an accompanying document. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. Following a decision in late 2017 of the Parish Council to start work on preparation of a Neighbourhood Plan a Neighbourhood Plan Steering Group was established. A Housing Needs Survey that also included areas beyond the parish was undertaken in May and June 2019. A first draft plan was published for informal consultation from 5 October 2019 to 16 November 2019. Publicity included publication of the plan on the Parish Council website; postings on social media; coverage in 'The Prattle' a local newsletter delivered to all households bi-monthly; and two public drop-in events at 'The Centre.' Hard copy plan documents were made available at three locations and were available on request from the Clerk to the Parish Council. Comments received were made available for public inspection and informed the plan preparation process.
28. It was recognised that circumstances had changed since the previous consultation during the national pandemic with the adoption of Part One and Part Two Local Plan documents and new residents moving into the area, an updated draft plan was consulted on from 8 April 2024 to 5 May 2024 through publication online, availability of hard copy documents and public drop-in sessions. Landowners of sites identified

as potential Local Green Spaces were contacted in writing.

29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan for a period of eight weeks between 15 July 2024 and 8 September 2024. A copy of the Pre-Consultation Draft Plan and supporting documentation was published, and could be downloaded from, the Parish Council website, and was made available in hard copy format. The consultation was also publicised through 'The Prattle' distributed to households throughout the parish including to each household, and on social media. Drop-in exhibitions were held on three dates. Consultee bodies were notified directly. The 29 responses to the consultation are presented in Appendix 10 of the Consultation Statement and Appendix 11 sets out comments of the Steering Group in response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that were approved on 11 December 2024 and submitted by the Parish Council to the City Council.
30. Following submission of a plan proposal by a qualifying body, the local planning authority will check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then sends the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication. The City Council arranged a period of publication between 10 March 2025 and 28 April 2025. The representations that were duly made have been published on the City Council website.
31. The City Council representation includes support for the objectives of the Neighbourhood Plan and support for Policy HA-1; Policy HA-2; Policy HA-6; Policy HA-9; Policy HA-10; and Policy HA-11. The City Council comment on Policy HA-3; Policy HA-4; Policy HA-5; Policy HA-7; and Policy HA-8 and I refer to those comments later in my report when considering those policies. The City Council representation includes other general comments which I refer to in the Annex to my report.
32. The Defence Infrastructure Organisation states on behalf of the Ministry of Defence (MOD) "Located within the Neighbourhood Plan Area (NPA) is an existing military establishment, known as Halton Training Camp. A plan of the Site is attached to Appendix 1. The Site plays a role in terms of national defence and military capability, and training. Importantly, there is an ongoing need to safeguard the facility for defence

purposes, and to support further development to meet operational requirements - in line with paragraph 102(b) of the NPPF (December 2024). As such, we consider that proposals associated with defence and military operations should be supported, where they would enhance or sustain operational capabilities. It is also important to note that non-military or non-defence related development within or in the areas around the Site will not be supported, where it would adversely affect military operations or capability, unless it can be demonstrated that there is no longer a defence or military need for the Site. It is our position that this should be clearly outlined within the Neighbourhood Plan in the form of a Policy, as set out at Appendix 2 of this representation. I consider this matter in relation to Policy HA-8.

33. The representation of the Defence Infrastructure Organisation also includes reference to community aspirations contained within paragraphs 10.23 and 10.24 of the Neighbourhood Plan relating to the upgrading of a pedestrian route. I refer to this matter later in my report when considering whether 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 representation also refers to Policy HA-2.
34. United Utilities Water Limited has commented in respect of Policies HA-4 and HA-5. Lancashire County Council's School Planning Team state "Although there is not a direct reference to educational impacts within the report, we ask that it is recognised that school place provision is a key element of delivering sustainable communities." The Coal Authority states "Our records indicate that within the Neighbourhood Plan area there are recorded coal mining features present at surface and shallow depth including; mine entries and probable coal workings. These features may pose a potential risk to surface stability and public safety. It is noted that the Neighbourhood Plan does not propose to allocate any new sites for development and on this basis, we have no specific comments to make on this document." Historic England also confirms no comment. Representations on behalf of National Gas Transmission and National Grid Electricity Transmission include general advice but do not include any comment in respect of the policies of the Neighbourhood Plan.
35. A detailed representation on behalf of Applethwaite Homes Ltd concludes by stating "Policy HA-5, as currently written, duplicates existing national policy in several areas, while introducing additional ambiguities that undermine certainty for developers, landowners, and the local authority. Given these critical weaknesses, it is our firm view that Policy HA-5 cannot be retained. The Do-Something allocations should be deleted in full. The retention of an ambiguous, unjustified, and ineffective flood mitigation strategy would not only constrain the delivery of much-needed homes but also conflict with the broader planning objectives of the Lancaster District."
36. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are

relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley City Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

37. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. On 7 July 2025 the Parish Council commented on the representations of other parties, in particular relating to the statement on behalf of Applethwaite Homes that the Parish Council had failed to contact landowners at any stage. The Parish Council state “As listed in the Consultation Statement (page 168), letters were sent to the legally registered landowners who may wish to comment on the flood zones identified in the Neighbourhood Plan. Obviously, if addresses were out-of-date on the Land Registry, then those letters may have not arrived, but the Parish Council certainly attempted to contact relevant landowners.” The Parish Council also stated that whilst the Lead Local Flood Authority had commented “at each stage” unfortunately they did not provide a Regulation 16 representation. The Parish Council sent me a copy of the Regulation 14 representation of Lancashire County Council as Lead Local Flood Authority dated 22 August 2024. I have taken the comments of the Parish Council, including the enclosure, into consideration in this Independent Examination but may not have referred to all those comments and enclosed submission in my report

38. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted;

and

- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

39. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Committee has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

40. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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

41. The Basic Conditions Statement states “The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently

to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

42. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
43. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the City Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
44. The Halton-with-Aughton Neighbourhood Plan (Submission Version December 2024) Strategic Environmental Assessment (SEA) Screening Report dated January 2025 sets out the Screening Outcome as follows “Initial internal screening of the Neighbourhood Plan concludes that it is unlikely that the Neighbourhood Plan would result in a significant environmental effect. The strong focus of the Neighbourhood Plan on the protection of the environment, heritage assets, its National Landscape focus and lack of allocations make it unlikely to result in significant effects. The council is satisfied that the Plan is unlikely to result in significant effects.” The three statutory bodies Historic England, Natural England and the Environment Agency have confirmed this conclusion. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
45. The Halton-with-Aughton Neighbourhood Plan (Submission Version December 2024) Habitats Regulations Assessment (HRA) Screening Report dated January 2025 sets out a Screening Outcome as follows “The HRA Screening Report of the Halton-with-Aughton Draft Neighbourhood Plan has considered the potential

implications for designated sites near the Neighbourhood Plan area boundary. The Submission document places a strong emphasis on the protection of the area's natural environment. The inclusion of Policy HA-2 'Protecting and Enhancing Wildlife and Geodiversity' is a welcomed inclusion and will ensure, together with policies within the Local Plan, that the Neighbourhood Plan would not have an adverse effect on the integrity of the designated sites identified either alone, or in combination with other plans or projects". The Statutory Consultee Natural England has confirmed agreement with this conclusion. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

46. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

47. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

48. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The City Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

49. I refer initially to the basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan." The requirement to determine whether it is appropriate that the plan is made includes the words "having regard to." This is not the same as compliance, nor is it

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

50. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
51. As the Neighbourhood Plan was submitted to the City Council before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I must undertake this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023. References to the Framework in my report refer to that version. I have considered the Planning Practice Guidance in that context.
52. Section 3 of the Basic Conditions Statement demonstrates how the Neighbourhood Plan and its policies have regard for the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
53. The Neighbourhood Plan includes in paragraph 3.2 a positive vision for Halton-with-Aughton Parish that has social, and environmental dimensions, and indirectly an economic dimension. Paragraph 3.3 identifies eight objectives relating to: integration of new development; rural character; protection and enhancement of sites of biological importance; ensuring new housing meets local needs; protection and enhancement of community facilities; promotion of sustainable transport; reduction of surface water flooding at key risk areas; and to protect green spaces. The vision and objectives provide a framework for the policies that have been developed. It is intended the policies of the Neighbourhood Plan will assist the delivery of the objectives.
54. Section 10 of the Neighbourhood Plan sets out community aspirations relating to traffic calming, parking, and transport; community facilities; green spaces and wildlife corridors; footpaths and rural land management. Paragraph 1.15 of the Neighbourhood Plan explains these are important local concerns which have been raised in public consultations which cannot be addressed through planning policies in the NDP.
55. The representation of the Defence Infrastructure Organisation on behalf of the Ministry of Defence (MOD) includes “As outlined above, there is a need to safeguard Halton Training Camp, given its role for national defence and military capability, and training. On this point, the Neighbourhood Plan notes the presence of a footpath

along the northern boundary of the Army Camp, which runs from the camp entrance to the M6 Bridge. It is the intention of the Neighbourhood Plan to safeguard the route by way of a conversion to a public right of way, as it provides a valuable pedestrian route between Lancaster and Halton (para 10.23); and also allow the path to be multi-use to allow horse riding and cycling (para 10.24). The Neighbourhood Plan correctly draws reference to the Instrument of Dedicated (dated 8th of March 1988)¹ which was agreed with the Council and requires the footpath to remain for pedestrian access only, as a grassy rural path. As such we consider the proposed upgrade and intensification of use (including for horse riding and cycling) would pose a conflict with military activity on the camp and an increased security risk. As such, the MOD does not agree to this proposed amendment, as required by para 10.21 of the Neighbourhood Plan. As such, we advise that this recommendation is removed from the proposed submission draft, as it would represent a breach of the conditions set and agreed.”

56. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the Parish Council and the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.” The community aspirations are presented in a dedicated section of the Neighbourhood Plan. I am satisfied the community aspirations are adequately distinguished from the policies of the Neighbourhood Plan however I have recommended a modification so that their status is made clearer. I confirm the community aspirations have not been subject to Independent Examination.

Recommended modification 1:

- **transfer Part 10 Community Aspirations to become an Annex to the Neighbourhood Plan**
- **delete paragraph 10.2 and continue paragraph 10.3 with “The community aspirations set out below are not planning policies and do not form part of the statutory Neighbourhood Development Plan”**
- **continue the final bullet point of paragraph 10.23 with “The Defence Infrastructure Organisation on behalf of the Ministry of Defence (MOD) has stated ‘we consider the proposed upgrade and intensification of use (including for horse riding and cycling) would pose a conflict with**

military activity on the camp and an increased security risk.’ As such any change to the current situation regarding this path is unlikely.”

57. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”
58. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). To demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”
59. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
60. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Table 1 of the Basic Conditions Statement demonstrates ways in which identified policies of the Neighbourhood Plan support the economic, social, and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.
61. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring

schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Conserve and enhance local landscape character;
- Protect and enhance wildlife and geodiversity;
- Maintain an identified area of separation between Lancaster and Halton;
- Designate five Local Green Spaces;
- Address flood risk;
- Protect historic character;
- Meet local housing needs;
- Establish conditional support for development within identified urban development areas;
- Establish design principles for sustainable development;
- Promote active travel; and
- Avoid unnecessary loss of identified community facilities;

62. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

63. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 29 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”

64. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The City

Council has confirmed the Development Plan applying in the Halton-with-Aughton Neighbourhood Area comprises the Local Plan for Lancaster District, Part One: Strategic Policies & Land Allocations (climate emergency review) Development Plan Document (Adopted 22 January 2025) and Part Two: Development Management (climate emergency review) Development Plan Document (adopted 22 January 2025).

65. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The City Council has confirmed for the purposes of neighbourhood planning the strategic policies of the development plan are those within the Part One document.
66. The City Council has confirmed a review of the Local Plan has commenced but is not yet at any formal stage. It is currently anticipated the Lancaster District Local Plan for 2028/29 – 2042/43 will be finalised and adopted in June 2028.
67. The Neighbourhood Plan can proceed ahead of preparation of the new Local Plan. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:
- the emerging neighbourhood plan;
 - the emerging Local Plan;
 - the adopted development plan;
- with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and

those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

68. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the new Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging new Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”

69. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the whole development plan.

70. The Guidance states, “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.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

71. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 5 of the Basic Conditions Statement that demonstrates how the policies of the Neighbourhood Plan are in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

72. The Neighbourhood Plan includes 11 policies as follows:

Policy HA-1 Conserving and Enhancing Local Landscape Character
 Policy HA-2 Protecting and Enhancing Wildlife and Geodiversity
 Policy HA-3 Area of Separation
 Policy HA-4 Local Green Spaces
 Policy HA-5 Flooding
 Policy HA-6 Protecting Historic Character
 Policy HA-7 Meeting Local Housing Needs
 Policy HA-8 Halton Urban Development
 Policy HA-9 High Quality and Sustainable Design
 Policy HA-10 Active Travel
 Policy HA-11 Community Facilities

73. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

74. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”
75. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
76. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
77. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”
78. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

79. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
80. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy HA-1 Conserving and Enhancing Local Landscape Character

81. This policy seeks to establish principles for development to conserve and enhance landscape character and includes additional specific principles to apply in two identified landscape areas.
82. Part 3c of the policy unnecessarily duplicates the more detailed part 3e of the policy. I have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
83. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
84. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2: In Policy HA-1 delete part 3c

Policy HA-2 Protecting and Enhancing Wildlife and Geodiversity

85. This policy seeks ensure development proposals protect and enhance biodiversity and/or geodiversity and minimise impacts.
86. The representation of the Defence Infrastructure Organisation includes “Criterion (5) of Draft Policy HA-2 states that any offsite provision should prioritise biodiversity net gain within the Parish through habitat enhancements outlined. As the Council will be aware, the requirement for ‘biodiversity net gain’ applies to major and minor development, as defined in the National Planning Policy Framework (NPPF), with a list of exemptions set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Exemptions include proposals delivered under Crown Permitted Development and/or Urgent Crown Development. Whilst the MOD supports the ambition of Criteria (5); as a public body, ecological enhancements required to support defence operations (where planning permission is required) would be sought to be delivered on the MOD estate in the first instance, and any off-site BNG will be delivered within the county of Lancashire or the relevant National Character Area (Morecambe Coast and Lune Estuary) in line with BNG guidance.” I have recommended a modification to the policy to accommodate this point. Part 3 of the policy requires modification so that it has sufficient regard for paragraph 186c of the Framework. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
87. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
88. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy HA-2

- **in part 3 after “required.” insert “Development that causes harm to, or loss of, irreplaceable habitat including ancient woodland and veteran trees will be refused.”**
- **in part 3 replace “loss of trees” with “loss of other trees”**

- in part 5 replace “should prioritise” with “that prioritises”, and after “enhancements” insert “will be supported”

Policy HA-3 Area of Separation

89. This policy seeks to preserve the visual and physical separation between the City of Lancaster and Halton village and highlights heritage and landscape character features upon which proposals should not have a significant adverse impact.
90. The City Council state it is unnecessary to duplicate Policy EN6: Areas of Separation of the Local Plan but if the policy is to remain, a map showing the extent of the area covered by the policy is required. The policy is supported by a Landscape Character Assessment report that sufficiently justifies the purpose of Policy HA-3 providing additional detail to Strategic Policy EN6 with respect to the woodland and open parkland character of the landscape around named heritage assets. I have recommended a modification to include a map of the area to which Policy HA-3 applies. I have also recommended a modification to clarify the second sentence of the policy is referring to development proposals. I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
91. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
92. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy HA-3 insert “Development” as the first word of the second sentence.

Include in the Neighbourhood Plan a map identifying the area to which Policy HA-3 applies.

Policy HA-4 Local Green Spaces

93. This policy seeks to designate five Local Green Spaces, and establish an approach to development proposals within those areas.

94. The City Council raises concerns about the duplication of protection proposed for some of the sites and some of the justification. The City Council recommend that Local Green Spaces A, C, D and E are removed for the following reasons:

LGS A - The site is already designated under Local Plan Policy SC3. While historical significance has been mentioned, it is not clear how this site is demonstrably special in comparison to other play areas across the district to warrant a Local Green Space designation. Whilst historical significance has been added to the conclusion as to why the site is considered suitable, the overall assessment suggests the reason for designation relates more to concerns around land ownership.

LGS C - The site is already designated under Local Plan policy SC3. The Council is not clear why this site warrants the additional designation as a Local Green Space.

LGS D - Whilst the heritage value of this site is recognised, the NPPF is clear that a Local Green Space needs to be demonstrably special to the community it serves and hold a particular local significance. The location of the boundary of the site is not a clearly defined edge, and why this boundary has been chosen is not clear. Whilst not disputing the value of this field the Council is not clear why this particular area warrants the designation of a Local Green Space for historic significance in comparison to other similar areas adjacent to listed buildings.

LGS E - The site has the character of a green corridor on the edge of the settlement with access amongst most of the site's length limited to the path. The site boundaries are unclear and it is indicative of an extensive tract of land. The Council is not clear why this particular area is demonstrably special and warrants the designation of a Local Green Space.

95. United Utilities state the Local Green Space designations include underground water and wastewater infrastructure where investment may be necessary and request criterion 2 is extended to include support for water and wastewater infrastructure investment in local green spaces, where the investment is needed to respond to future growth and environmental needs.

96. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Map 3 of the Neighbourhood Plan and more detailed maps are included in the Local Green Space Assessment report which supports the policy.

The scale and discrete nature of the areas of land in question assists in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Space have been adequately identified.

97. Paragraph 107 of the Framework states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts.” The part of the Framework that relates to ‘Protecting Green Belt land,’ including paragraphs 152 to 156, sets out statements regarding the types of development that are not inappropriate in Green Belt areas. I have recommended a modification so that it is clear the policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip City Council. Case Number: C1/2020/0812).
98. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” In respect of each of the eight areas proposed for designation as Local Green Space I find the designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
99. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” The sites proposed for designation are small, well defined, and substantially enclosed by boundaries made up of walls or hedgerows. The sites are easily recognised as discrete areas of land. The proposed designations both singly and in combination do not constitute a blanket designation of open countryside adjacent to existing settlement as a back door way to achieve what would amount to a new area of Green Belt by another name. I find that in respect of the intended Local Green Spaces the designations

relate to green spaces that are in reasonably close-proximity to the community they serve, are local in character, and are not an extensive tract of land.

100. The Guidance states the Qualifying Body (Parish Council) “should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014). The areas proposed for designation as Local Green Spaces have been subject to extensive consultation with landowners and the local community.
101. The Local Green Space Assessment report (December 2024) includes information which seeks to justify the proposed designations as Local Green Space. For each proposed designation an assessment of community value is set out with other information including recent usage, as well as a detailed map and photographs. Relevant reasons for designation are indicated as applying in respect of each of the sites including matters referred to in the Framework. There is no requirement to compare sites proposed for designation with sites within the Neighbourhood Area or elsewhere that are not proposed for designation. I have visited the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan and evidence base provides sufficient evidence for me to conclude that the areas proposed for designation as Local Green Spaces are demonstrably special to a local community and hold a particular local significance.
102. The fact that an area proposed for designation as Local Green Space is protected by other designations, for example under Local Plan Policy SC3, does not prevent designation as Local Green Space. Different types of designations are intended to achieve different purposes. Whilst Policy SC3 protects identified open spaces and recreation areas from inappropriate development additional local benefit can be gained from designation as Local Green Space by highlighting the particular importance of the areas in question to the local community for example the Guidance states land designated as Local Green Space may potentially also be nominated for listing by the local authority as an Asset of Community Value. Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.
103. The issue of public access has been referred to in a representation. Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation. The Guidance states land could be considered for designation even if

there is no public access (eg green areas which are valued because of their wildlife, historic significance, and/or beauty).

104. I find that the areas proposed as Local Green Spaces are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.
105. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
106. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy HA-4 replace part 2 with “Within the designated Local Green Spaces development proposals will be managed in accordance with national Green Belt policy”

Policy HA-5 Flooding

107. This policy seeks to establish that all development should be designed to minimise flood risk and take opportunities to reduce flood risk. The policy also seeks, within a defined part of the Neighbourhood Area, to establish flood risk related principles for development including the safeguarding of identified sites for potential flood mitigation schemes, and expects development proposals located in areas that would benefit from defined flood management schemes to take opportunities to support the delivery of those schemes.
108. The City Council states “Policy ‘HA-5 Flooding’ seeks to safeguard land for potential future flood mitigation opportunities in accordance with paragraph 172b of the NPPF and in conformity with strategic policies ‘CC1: Responding to Climate Change and Creating Environmental Sustainability’ and ‘SP8: Protecting the Natural Environment’ of the SPLADPD. The Jacobs Flood Risk Management Study 2020 provides robust evidence and justification to support the areas proposed for safeguarding”. “The wording of the policy has been amended since the Reg14 Plan to address some of the issues raised by the Local Lead Flood Authority. The resulting wording creates a policy which is not wholly clear on what the requirements are. For example, ‘design flood is referred to’ but the definition is not clarified. The

policy includes reference to 'may' in various places, this raised questions over what is expected of a development for it to meet the policy requirements. The aim of the policy to ensure that development mitigates and takes opportunities to reduce flood risk is supported. In particular, the policy aims to generate delivery and/or contributions to the delivery of schemes within the Jacobs Flood Risk Management Study. The wording does not make clear what the expectations are for development management purposes or that such contributions would need to meet the tests in paragraph 58 of the NPPF. The policy would benefit from some clearer wording to ensure that it provides a clear basis for development management purposes."

109. United Utilities states "We wish to suggest that criterion 2 is expanded to clearly state that it relates to all sources of flood risk as per the following amendment. '2. Avoid areas at risk of flooding from all sources in the design flood event.' With respect to criterion 6, we wish to highlight that any approach to surface water management must fully reflect the surface water hierarchy in national planning practice guidance which states that the public combined sewer, which carries both foul and surface water, is the last resort for the management of surface water. As such, connection to a surface water only system is preferable to a combined drainage. This position must be reflected in the decision-making process when determining drainage approaches. Whilst we are supportive of the intentions of criterion 6, we must explain that in the event that an alternative to the public sewer for the management of surface water is not available, UUW must accept a connection of surface water to the sewer network in accordance with our statutory obligations and the hierarchy for the management of surface water in national planning practice guidance."

110. The representation on behalf of Applethwaite Homes states they are progressing a planning application seeking outline planning permission for up to 80 dwellings on land south of Low Road, Halton. It is stated a site-specific Flood Risk assessment and drainage strategy accompanies the application confirming the site is located entirely within Flood Zone 1, and as a result of the drainage strategy the site does not increase flooding within or downstream of the catchment including an allowance for climate change. The representation states "the Neighbourhood Plan does not appear to have had regard to a current planning application, nor the wider evidential issues explored in the application. In particular, the Neighbourhood Plan's Policy HA-5 takes an approach to flood mitigation and reducing flood risk which is not in line with national policy and does not have a robust evidence base. The Policy should therefore be deleted."

111. In commenting on the Regulation 16 representations the Parish Council stated that whilst the Lead Local Flood Authority had commented "at each stage" unfortunately they did not provide a Regulation 16 representation. The Parish

Council sent me a copy of the Regulation 14 representation of Lancashire County Council as Lead Local Flood Authority dated 22 August 2024. I have taken the comments of the Parish Council, including the enclosure, into consideration in this Independent Examination but may not have referred to all those comments and enclosed submission in my report.

112. On 11 July 2025 I wrote to the City and Parish Councils advising them I had identified flaws in Policy HA-5 Flooding which prevented the Neighbourhood Plan proceeding to referendum unless that policy, in its present form, is deleted from the Plan. In seeking to avoid that outcome I had drafted a recommended major modification of Policy HA-5 so that I would be able to recommend it remains part of the Neighbourhood Plan, and shared that draft with the City and Parish Councils. In response to my request for clarification of this matter the City and Parish Councils jointly wrote to me on 16 July 2025 stating “The Planning Practice Guidance, which has equal status as national planning policy to the Framework (Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA 32) states that, ‘all Plans should make as much use as possible of opportunities presented by new development to reduce the causes and impacts of flooding’ (Paragraph: 062 Reference ID: 7-062-20220825). This is not merely a requirement to ensure development does not increase flooding but an expectation that plans and development will reduce the causes and impacts of existing flood risk on and off site. Paragraph: 066 Reference ID: 7-066 20220825 states, ‘Land that is likely to be needed for natural flood management could also be protected by safeguarding land for future flood risk management infrastructure’. There is no mention within this part of national policy that this relates only to residual flood risk. Policy HA-5 proposes to ensure that the areas identified are safeguarded and developed to provide natural flood mitigation measures that contribute to reducing the causes and impacts of significant flood risk within Halton. To accord with national policy, it is not enough that new development simply does not make flood risk elsewhere worse, it should contribute to reducing it. The areas identified by the Study provide an opportunity to include natural flood risk measures within development to reduce the causes and impact of flooding as expected by national policy. While the Study does acknowledge that the lack of landowner support may be an obstacle, this does not mean that such opportunities should be ignored where a development is proposed. Development in these areas should be designed to ensure that the areas identified are used for natural flood risk measures and contribute to reducing the causes and impacts of flooding on and off the site. The WMS of 2015 relating to technical standards is dated and no longer reflects national planning policy which has evolved significantly since then. For example, many plans, including Lancaster Local Plan include technical standards for energy efficiency beyond the Code 4 referred to in the WMS. Policy DM34 of the Lancaster Local Plan also includes technical standards for sustainable drainage systems. The ‘new system’

referred to relates to optional water, dwelling size, accessibility and energy efficiency standards. It does not relate to wider flood risk matters. The Framework and the Planning Practice Guidance expect plans to ensure that opportunities are taken to reduce flood risk. It is therefore appropriate for the Neighbourhood Plan to include policies which set out expectations for flood risk and drainage, especially where flood risk is identified as a significant issue in an area. We therefore request that you review your stance regarding the safeguarding of the areas of land identified within the Study. It is acknowledged that the wording of the policy relating to the safeguarded areas could be improved. Amending the wording to ensure that these areas are either safeguarded for potential future flood risk measures or if they are incorporated within an application site, the areas are designed to accommodate natural flood risk measures that reduce the causes and impacts of flood risk on and off site would ensure that they are not lost as opportunities to reduce flood risk in accordance with national policy. The bullet points within the recommended modified policy are consistent with the NPPF, PPG and policies DM33 and DM34 of the Local Plan which seek to reduce the causes and impacts of flood risk. They are however equally relevant to all new development, not just within the area identified in 'Plan 12'. We request the recommended modification is altered so that the revised policy relates to the whole of the Neighbourhood Plan area. If, despite the above, you remain of the opinion that policy HA-5 cannot safeguard the land for flood mitigation and/or the bullet points in your report should not relate to all development, please would you consider making the following amendments to the recommended modified policy: • Number the bullet points for ease of reference; • Add reference to the Jacobs report after 'evidence of flood risk in Halton Village ' Your reconsideration of the inclusion of safeguarding land for flood mitigation would be appreciated. We look forward either further correspondence with regard a revised modified policy or your report in due course." I have taken this joint response of the City and Parish Councils into consideration in this Independent Examination.

113. In February 2018, Lancashire County Council commissioned Jacobs UK to undertake an initial assessment of flood risk management covering Halton. The report was published in February 2020 which has subsequently been used as part of the evidence base supporting the Neighbourhood Plan. The report states Halton has experienced five flood events since 2002, with the two most recent events in December 2015 and November 2017. The report states the main mechanism of flooding in 2015 is likely to have been from out of bank flow from the River Lune, whereas a combination of pluvial, surface-water and fluvial flooding mechanisms were responsible for the 2017 event.

114. Paragraph 165 of the Framework states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such

areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” Paragraphs 167 to 172 set out a sequential risk-based approach to the location of development and an exception test. Paragraph 173 of the Framework states when determining any planning applications local planning authorities should ensure that flood risk is not increased elsewhere, and refers to site-specific flood risk assessments and criteria to be met for development to be allowed in areas at risk of flooding. Paragraph 175 of the Framework states major developments should incorporate defined sustainable drainage systems unless clear evidence demonstrates they would be inappropriate.

115. I agree with the City Council that the policy would benefit from clearer wording. I have recommended a modification so it is evident how a decision maker should react to development proposals. The first paragraph of Policy HA-5 and bullet point 1 include the imprecise terms “minimise” and “take opportunities to reduce flood risk”. The term “will be expected to” in the second paragraph of the policy does not provide a basis for the determination of development proposals. The term “design flood event” in bullet point 2 is imprecise. Bullet point 4 includes the terms “including” and “for example” that introduce uncertainty. The requirement for development to “recognise” in bullet point 5 does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
116. The reference to safeguarding land from development that is required, or likely to be required, for current or future flood management in paragraph 167b of the Framework is in the context of management of residual risk after applying a sequential risk-based approach to the location of development. The Neighbourhood Plan does not make provision for development and has not applied a sequential risk-based approach to the location of development.
117. The City and Parish Councils have referred me to Paragraph: 066 Reference ID: 7-066-20220825 of the Guidance but that paragraph relates to strategic policies. It is Paragraph: 011 Reference ID: 7-011-20220825 of the Guidance that explains “How should land for future flood risk management infrastructure be safeguarded?” stating “During the preparation of strategic policies, it is useful to identify any land which is likely to be needed for flood and coastal erosion risk management infrastructure. Consideration can also be given to any necessary access to that land, and any additional land which may be needed temporarily during construction. Strategic policy-making authorities need to consult with other Risk Management Authorities and refer to strategic flood risk documentation (such as flood risk management plans, shoreline management plans, adaptation plans, surface water

management plans, and local flood risk management strategies prepared by Lead Local Flood Authorities) and the Environment Agency's Programme of flood and coastal erosion risk management schemes, to identify the land that is likely to be needed. Local Planning Authorities may then consider allocating these sites or including policies in their plan to discourage development that could prevent or hinder the delivery of planned flood risk management associated infrastructure. Land could also be safeguarded for natural flood management approaches that help to reduce the causes and impacts of flooding, particularly where development has the potential to prevent, hinder or help to enable their delivery. Safeguarding land in this way is particularly important for infrastructure that reduces the risk of flooding to large amounts of existing development, or where options for managing risk in other ways are limited." This paragraph relates to the preparation of strategic policies. The Neighbourhood Plan does not, and may not, contain strategic policies. The City and Parish Councils have also referred me to Paragraph: 062 Reference ID: 7-062-20220825 of the Guidance. That paragraph relates to use of natural flood management techniques wherever they would be effective and states strategic flood risk assessments should identify such opportunities.

118. I am not satisfied bullet points 3 and 4 of the second paragraph of Policy HA-5 are sufficiently justified to form part of the Development Plan. The Flood Risk Management Study 2020 is an initial assessment only. The aim of the assessment is to establish whether a workable, sustainable, and justified solution to reduce the risk of flooding can probably be found, or whether the project should take a different course or be stopped. An objective is to provide a starting point for discussion with communities and partner organisations for use in the development of potential schemes and negotiations regarding funding contributions. The study recognises it is based on several uncertainties and assumptions that need to be addressed, and in respect of which no public consultation, including with landowners and developers, has been undertaken. The study states the options considered are not comprehensive, and that even for options taken forward, further testing and refinement are required. The areas of land to be safeguarded by Policy HA-5 are referred to in the supporting document as "indicative locations." The areas of land proposed to be safeguarded are not sufficiently precisely defined in supporting evidence to form part of the Development Plan. The safeguarding of the parcels of land is stated in Policy HA-5 to "ensure they are available for future potential flood mitigation schemes." The Flood Risk Management Study states such schemes could be formal storage areas or SuDS and that lack of landowner support will likely be a major obstacle to progressing all the Do-Something options. Policy HA-5 is seeking to prevent development of land through safeguarding, to reduce pre-existing flood risk elsewhere. This planning obligation does not have sufficient regard for paragraph 57 of the Framework. I have recommended bullet points 3 and 4 are deleted for these reasons so that the policy has sufficient regard for national policy. I

have recommended a modification that establishes policy support, but not requirements, for development proposals for flood risk management infrastructure or natural flood management measures as this is sufficiently evidenced.

119. Whilst I am satisfied Map 14 of the Neighbourhood Plan adequately explains the term overloaded, bullet point 6 does not have sufficient regard for paragraph 16f of the Framework in that it duplicates elements of non-strategic Policies DM33 (Development and Flood Risk) and DM34 (Surface Water Run-off and Sustainable Drainage) which set out the sustainable drainage hierarchy. The Written Ministerial Statement of 25 March 2015 states neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout, or performance of new dwellings. The City and Parish Councils have stated many plans including the Lancaster Local Plan include technical standards for energy efficiency beyond the Code 4 referred to in the Written Ministerial Statement. The Lancaster Local Plan is not a Neighbourhood Plan. The representation of United Utilities states that if an alternative to the public sewer for the management of surface water is not available “UW must accept a connection of surface water to the sewer network in accordance with our statutory obligations and the hierarchy for the management of surface water in national planning practice guidance.” Bullet point 6 does not reflect statutory obligations. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
120. I have noted the representation on behalf of Applethwaite Homes refers to the requirement of paragraph 31 of the Framework for policies to be underpinned by up-to-date evidence, and the suggestion that a drainage basin constructed on land off Forest Heights may have not been factored into the Flood Risk Management Study 2020. I have not explored this latter matter as it would not affect the basis of my recommendations of modification of Policy HA-5 set out above.
121. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

Replace Policy HA-5 with “All development proposals must not increase flood risk elsewhere. Given the evidence of flood occurrence in the Neighbourhood Area (including evidence within the Jacobs Flood Risk Management Study, Halton Initial Assessment, February 2020) development proposals must:

- 1. Avoid areas at risk of flooding from all sources;**
- 2. Include sustainable drainage systems. (Natural flood management measures and design elements including permeable drive surfaces or green and blue roofs will be supported);**
- 3. Demonstrate the development will not result in any on-surface water flows off the development site;**
- 4. Wherever possible discharge surface water to a surface water only system, and not discharge any flows into existing overloaded surface water drains and culverts identified on Map 14 of the Neighbourhood Plan. Development proposals that dispose of surface water through infiltration into the ground, or discharge directly through new drains into a watercourse with demonstrated sufficient capacity will be supported; and**
- 5. Demonstrate how consideration has been given to climate change.**

Development proposals for flood risk management infrastructure or natural flood management measures will be supported.”

Policy HA-6 Protecting Historic Character

123. This policy seeks to protect the historic character of the Neighbourhood Area.

124. Paragraph 180 of the Framework includes “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.” Paragraph 82 of the Framework states “In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.” Paragraph 83 of the Framework states “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village

nearby.” Paragraph 84 of the Framework includes planning policies should avoid the development of isolated homes in the countryside unless one or more of stated circumstances apply. I have recommended a modification so that the policy has sufficient regard for national policy by more clearly recognising some forms of proportionate development may occur adjacent to the settlements of Halton and Aughton.

125. I am satisfied it is appropriate for this policy to refer to design matters relating to the historic and rural character of the Neighbourhood Area complementing the more general design guidance set out in Policy HA-9 of the Neighbourhood Plan. I have recommended a modification in this respect to improve clarity. I am also satisfied the policy has sufficient regard for national policy regarding the conservation and enhancement of the historic environment subject to my proposed modification that the preservation and enhancement of the historic character should be in a manner appropriate to its significance. The word “sub-urbanisation” requires correction. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

126. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

127. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy HA-6

- **in the first sentence delete “and appearance” and after “Area” insert “in a manner appropriate to its significance”**
- **insert “disproportionate” before “village sprawl”**
- **replace “sub-urbanisation” with “suburbanisation”**

Policy HA-7 Meeting Local Housing Needs

128. This policy seeks to ensure proposals for new housing development meet local housing needs.

129. The City Council state the policy supports housing development in accordance with the development strategy and hierarchy in the Local Plan and policies which aim to meet an identified need.
130. Paragraph 63 of the Framework states that within the context of establishing housing need the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The policy is supported by and refers to evidence in a housing needs survey dated 2019. The policy provides flexibility to respond to changing housing need.
131. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy HA-8 Halton Urban Development

133. This policy seeks to establish conditional support for development within the built-up area of Halton.
134. Paragraph 70 d) of the Framework states Local Planning Authorities should support the development of windfall sites through their policies and decisions – giving greater weight to the benefits of using suitable sites within existing settlements for homes. Paragraph 124 of the Framework includes planning policies should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and “recognise that some undeveloped land can perform many functions such as ... flood risk mitigation.”
135. The City Council state “The aim of policy ‘HA-8 Halton Urban Development’ to support development in the built-up area is consistent with the Local Plan. However, bullet point 2 is not considered necessary as addressing constraints is an integral part of an assessment of any proposal. The reference to viability assessment is also misleading - is not necessary to show constraints can be overcome. I agree with these points and have recommended part 2 of the policy is deleted. I have also recommended part 1 of the policy is deleted as it is confusing and unnecessary to refer to one other policy of the Neighbourhood Plan as the plan should be read as a whole. I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident

how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

136. The Defence Infrastructure Organisation states on behalf of the Ministry of Defence (MOD) “Located within the Neighbourhood Plan Area (NPA) is an existing military establishment, known as Halton Training Camp. A plan of the Site is attached to Appendix 1. The Site plays a role in terms of national defence and military capability, and training. Importantly, there is an ongoing need to safeguard the facility for defence purposes, and to support further development to meet operational requirements - in line with paragraph 102(b) of the NPPF (December 2024). As such, we consider that proposals associated with defence and military operations should be supported, where they would enhance or sustain operational capabilities. It is also important to note that non-military or non-defence related development within or in the areas around the Site will not be supported, where it would adversely affect military operations or capability, unless it can be demonstrated that there is no longer a defence or military need for the Site. It is our position that this should be clearly outlined within the Neighbourhood Plan in the form of a Policy, as set out at Appendix 2 of this representation.”
137. Paragraph 101 (paragraph 102 in the 2024 version) of the Framework includes “Planning policies and decisions should promote public safety and take into account wider security and defence requirements by ... recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.” I have recommended a modification in this respect based on the suggestion of the Defence Infrastructure Organisation so that the policy has sufficient regard for national policy.
138. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
139. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:
In Policy HA-8**

- **delete parts 1 and 2**

- insert a new part “Proposals associated with defence and military operations will be supported within the Halton Training Camp identified on Map 4A, where they would enhance or sustain operational capabilities. Non-military or non-defence related development within or in the areas around the Halton Training Camp will not be supported, where it would adversely affect military operations or capability, unless it can be demonstrated that there is no longer a defence or military need for the site.”

Insert the Location Plan for Halton Training Camp in Appendix 1 of the Regulation 16 representation of the Defence Infrastructure Organisation into the Neighbourhood Plan as Map 4A.

Policy HA-9 High Quality and Sustainable Design

140. This policy seeks to establish sustainable design principles for development.
141. To be read alongside the Guidance, Government published the National Design Guide on 1 October 2019 to set out the characteristics of well-designed places and demonstrate what good design means in practice. The National Design Guide was updated on 30 January 2021 to align with the National Model Design Code and Guidance Notes for Design Codes published separately (as forming part of the Guidance) on 20 July 2021, and have been last updated on 14 October 2021.
142. Paragraph 132 of the Framework states “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. The policy has regard for paragraph 135 of the Framework which sets out design principles of development that planning policies should ensure. The Design Codes and Guidance encourage high quality sustainable design whilst recognising that innovative and contemporary approaches may be appropriate where they positively respond to local character and context as referred to in paragraph 135 of the Framework. I am satisfied that through use of the term “proportionate to the scale and nature of the scheme” the policy avoids being overly prescriptive. The design principles included within Policy HA-9 are consistent with the approach and principles recommended in national policy.
143. The terms “will be expected to” in part 1 of the policy and “are encouraged” in part 5b of the policy do not provide a basis for the determination of development proposals. Part 3 of the policy is ambiguous. Part 4 of the policy without expansion represents a duplication of Local Plan policy which paragraph 16f of the Framework states should be avoided. I have recommended a modification in these respects so

that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied the requirement in part 5 of the policy to address the stated criteria does not amount to the setting of standards which would be contrary to the Ministerial Written Statement to Parliament of the Secretary of State (CLG) on 25 March 2015.

144. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

145. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy HA-9

- in part 1 replace “will be expected to” with “should”
- in part 3 after “quality” delete “and”
- continue part 4 with the text of part 5 with the exception that in sub part b “are encouraged” is replaced by “will be supported”

Policy HA-10 Active Travel

146. This policy seeks to establish principles for development to promote active travel.

147. Paragraph 108 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks.

148. Broadband provision is not deliverable through a planning policy but provision for broadband is. Development may not necessarily be able to be located close to local facilities, employment uses, and bus stops. The requirements within parts 4 and 6 of the policy do not have sufficient regard for paragraph 57 of the Framework relating to planning obligations. It is not appropriate to refer to community aspirations and Parish Council actions within a statutory land use policy. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

149. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
150. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy HA-10

- **in part 1 replace “broadband provision” with “provision for broadband”**
- **replace parts 2 and 3 with “Be located with regard for access to local facilities, services, employment uses, and bus stops.”**
- **replace part 4 with “Provide safe pedestrian and cycle site access. Where development contributions are available for locally determined expenditure, they may be utilised to enhance road safety within the village for example by contribution to pedestrian crossings at Low Road/High Street.”**
- **delete part 6**

Policy HA-11 Community Facilities

151. This policy seeks to ensure named community facilities are retained, and establish criteria for acceptance of their loss.
152. Paragraph 97 of the Framework states planning policies should plan positively for the provision of community facilities, guard against the unnecessary loss of valued facilities and services, and ensure established shops facilities and services are able to develop and modernise and are retained for the benefit of the community.
153. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
154. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Conclusion and Referendum

155. I have recommended 10 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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.

I recommend to Lancaster City Council that the Halton-with-Aughton Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

156. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Lancaster City Council as a Neighbourhood Area on 27 October 2015.

Annex: Minor Corrections to the Neighbourhood Plan

157. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.
158. The City Council has proposed the following minor modifications:
- include a single policy map to provide clarity regarding the areas covered by designations.
 - clarify the monitoring framework for the Neighbourhood Plan.
 - delete the Housing Opportunity Sites section of the Neighbourhood Plan which is unnecessary.
 - whilst the Independent Examination has been undertaken in the context of the 2023 Framework the Neighbourhood Plan should be updated to refer to the 2024 Framework. This should include an update of paragraph 4.2 within the background text of the Neighbourhood Plan.
 - the Neighbourhood Plan should be updated to refer to the policies and references of the Local Plan (climate emergency review).

I recommend these minor modifications including updates and corrections are made.

Recommended modification 11:

Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.

Chris Collison
Planning and Management Ltd
31 July 2025
REPORT END