

Slyne with Hest Neighbourhood Plan 2019 - 2032

Submission Version

A Report to Lancaster City Council on the Examination of the Slyne
with Hest Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

johnslaterplanning@gmail.com

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Executive Summary

My examination has concluded that the Slyne with Hest Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- The deletion of Policy HRA 1 as it duplicates existing protection.
- Clarify that new housing development can take place within the settlement of Slyne with Hest, which lies outside of the Green Belt and also remove reference to having to comply with the Local Plan's affordable housing policy.
- Delete the land west of Sea View Drive housing allocation and its proposed removal of the land from the Green Belt.
- Removing requirements that windfall development within the settlement area should only be on "small sites".
- Rewording the business policy and removing restrictions preventing light industrial uses and clarifying that sustainable rural tourism and small business development in rural areas must accord with the Green Belt policy.
- Encouraging flood risk assessments to have regard to evidence of localised areas of flooding.
- Amending the mapping of the key views and removing reference to the protection of unspecified views.
- Clarifying that support for new community buildings should be restricted to sites outside of the Green Belt.
- Reducing the number of identified green spaces from 16 to 11, as requested by the Parish Council.

The referendum area does not need to be extended beyond the Plan area.

Introduction

1. Neighbourhood planning is a process introduced by the Localism Act 2011 that allows local communities to create the policies that will shape the places where they live and work. A neighbourhood plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Lancaster City Council Local Plan Part 1 – Strategic Policies and Land Allocations DPD and Part 2- Development Management DPD, both of which were adopted on 29th July 2020. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Slyne with Hest Parish Council. A Neighbourhood Plan Steering Group was appointed to undertake the Plan’s preparations on behalf of the Parish Council
3. This report is the outcome of my examination of the Submission Version of the Slyne with Hest Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Lancaster City Council.

The Examiner’s Role

4. I was appointed by Lancaster City Council in June 2022, with the agreement of Slyne with Hest Parish Council to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 44 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Lancaster City Council and Slyne with Hest Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the Plan should proceed to referendum, if modified.
 - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Slyne with Hest Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
 9. I am able to confirm that, if amended in line with my modifications, the Plan does only relate to the development and use of land, covering the area designated by Lancaster City Council, for the Slyne with Hest Neighbourhood Plan, on 14th April 2016.
 10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2017 up to 2031.
 11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
 13. I am satisfied that Slyne with Hest Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

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

15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I can properly examine the Plan without the need for a hearing.
17. I carried out an unaccompanied visit to Slyne with Hest during the afternoon of 27th June 2022 and concluded it the following morning. I visited the housing allocation site, saw all the green spaces and the community facilities and walked along the Lancashire Canal and along part of the Foreshore, enjoying its magnificent views across Morecambe Bay to the Cumbrian Mountains as the tide was out. I drove through each of the character areas and the Parish's Conservation Area.
18. I noted the village's relationship with Lancaster and Morecambe and I was able to understand the location of the Local Plan's North Lancaster Strategic Housing Site, which is away from the main village but still falls within the parish boundary. I was able to appreciate a number of the key viewpoints, including those looking east towards the Pennines. I also was able to understand the relationship with Bolton le Sands.
19. Following my initial site visit, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Lancaster City Council, entitled Initial Comments of the Independent Examiner, dated 1st July 2022. I received responses from Lancaster City Council on 28th July 2022 and from the Parish Council on 10th August 2022.
20. All these documents have been placed on the respective websites.

The Consultation Process

21. Once the area had been formally designated as a neighbourhood area an initial consultation was carried out, which ran from May to August 2016. This was initially scoped by a community coffee morning held in April which had been attended by 50 people. 500 consultation booklets were prepared and publicity was given to the consultation through the website and a Facebook page, as well as through the parish newsletter, flyers and letters sent to local businesses. This produced responses from 160 individuals and via 31 individual emails/letters. These comments were set out in a report published at the conclusion of the initial consultation phase.
22. A second consultation commenced in September 2016 and ran through to December 2017. Events were held as part of the Primary School's Mayfair held in May 2017 and a coffee morning, hosted by the Horticultural Society, was attended in July 2017 and an Information Day was held at the Memorial Hall. This phase of consultation concentrated on alternative development sites and the findings are set out in the subsequent report.
23. Following this second phase, work was refocused towards actual site allocations following the Steering Group's meeting with the Lancaster city planners.

24. Presentations were made to the Parish Council by potential developers of sites.
25. Following the completion of the SEA/HRA assessments, the completed plan was then subject to a pre-submission consultation known as the Regulation 14 consultation which ran for a six-week period from 2nd September to 14th October 2019. This produced a total of 40 responses, which are set out comprehensively in the Consultation Statement.
26. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the Plan.

Regulation 16 Consultation

27. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six-week period, between 4th February 2022 and 18th March 2022. This consultation was organised by Lancaster City Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
28. In total, 20 responses were received, including: Natural England, Lancaster City Council, United Utilities, Applethwaite Ltd, Taylor Wimpey, Historic England plus comments made by 13 local residents.
29. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

The Basic Conditions

30. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
31. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
 - Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State? For the sake of clarity, this examination will look at how the plan has regard to the most up to date version of the NPPF, published on 20th July 2021 and the paragraph numbers of that version will be quoted throughout this report. It appears that the neighbourhood plan was produced against the background of an earlier version of the Framework, which has caused some confusion regarding paragraph numbering.
 - Will the making of the Plan contribute to the achievement of sustainable development?

- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

32. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case comprises The Local Plan for Lancaster 2011 to 31, Part One – Strategic Policies and Land Allocation DPD which was adopted in July 2020 and the Development Management DPD, a revised version of which, was adopted also in 2020. Other components of the development plan, which are not relevant to my examination, are the Morecambe Area Action Plan DPD, the Arnside and Silverdale AONB DPD. Also, part of the development plan is the county-wide Minerals and Waste Local Plan, which was adopted by Lancashire County Council, but is again not relevant as such matters are “exempt development”, in terms of neighbourhood planning.
33. The strategic policies which the plan is required to be in general conformity with are specifically identified in Appendix C of the Local Plan – Part 1. This identifies policies SP1 to SP10 and also particularly relevant to my consideration of the basic conditions, include Policy H2 - Housing Delivery in the Rural Areas of the district and Policy EN4 – the North Lancashire Green Belt.
34. Policy SP2 establishes the settlement hierarchy for the district and it includes the settlements of Hest Bank and Slyne with Hest, within the third tier of settlements which are identified as “sustainable rural settlements outside Areas of Outstanding Natural Beauty”. The policy states that these settlements will provide the focus for growth in the district outside the urban areas.
35. The development strategy is explained in Policy SP3 – Development Strategy for Lancaster District. This seeks to focus most development into the urban areas but it does support development in the above-mentioned sustainable settlements. It goes on to state that “the scale of planned housing growth in the rural areas will be managed to reflect existing population size, be proportionate to existing scale and character of the settlement and the availability or the opportunity to provide infrastructure, services and facilities to serve the development and the extent that the development can be accommodated in the local area”.
36. The strategic Housing Policy is outlined in Policy SP6 –Delivery of New Homes. The objectively assessed housing need figure for the district, using the nationally accepted methodology, gives a figure of between 650 and 700 homes per year – a total of 13,500 and 14,000 new homes over the plan period. However, the adopted plan put forward a lower figure, based on the constraints of on

development within the district including the AONB and the Green Belt, of 10,440 units, which is equivalent to an annual average of 522 dwellings. The policy includes a tilted delivery strategy, as it would take a number of years for some of the strategic allocation sites, to be delivered, within what will be the second phase of the plan period. 700 of these new dwellings have been allocated to the strategic allocation site known as North Lancaster. The policy also includes an additional supply of 557 units which will be delivered through neighbourhood plans.

37. The North Lancaster Strategic Site lies within the parish of Slyne with Hest and the site is allocated by Policy SG9 – North Lancaster Strategic Site and its infrastructure requirements are fully set out in Policy SG10. The Local Plan has taken that site out of the North Lancaster Green Belt. Figure 2 in the Plan shows an incorrect boundary of the strategic allocation which does not accord with the boundary as defined in the Local Plan’s Proposals Map Inset Map 1.
38. Policy H2 allocates specific sites in the rural area for a total of 985 dwellings, none of which are within the Slyne with Hest parish area. The policy states that within the settlements which include Slyne with Hest, the “council expects by the neighbourhood plan process, the respective parish councils to proactively and positively plan for housing growth within the communities”.
39. Policy EN3 sets out policies for the open countryside and Policy EN4 is the specific policy for the North Lancaster Green Belt, which is defined on the Proposals Map with the stated intention that future growth does not result in the coalescence of Lancaster, Morecambe and Carnforth. It refers to compliance with national plan policy for Green Belts and also Policy DM50 of the Development Management DPD.
40. Policy SC2 addresses local green spaces but does not identify any within the parish. Policy SE4 identifies the Lancaster Canal as one of the strategic Green Space networks which runs through the district.
41. The revised Development Management DPD sets out detailed development management policies, the most relevant for this examination is Policy DM50 dealing with development in the Green Belt.
42. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Lancaster City Council Local Plan Part 1.

Compliance with European and Human Rights Legislation

43. Lancaster City Council issued a screening opinion in an undated report which is included in Appendix 3 of the Basic Conditions Statement. That screening concluded that “the council is unable to conclude with certainty that it would not result in a significant environmental effect and it was determined that an SEA was required.”
44. AECOM were appointed by the Parish Council to carry out that assessment

and a Scoping Report was published. AECOM then produced an Environmental Report, dated August 2019, based on the Regulation 14 version of the plan. The plan looked at the likely significant environmental effects and reasonable alternatives, after describing the contents and objectives of the plan, the current state of the environment and set out the objectives against which the plan was to be assessed and it identified the likely significant environmental effects and the measures to address those impacts. I am satisfied that the Strategic Environmental Assessment has been carried out in a manner that is consistent with good practice.

45. The City Council, as competent authority, also issued a screening opinion in the same report, under the Conservation of Habitat and Species Regulations 2017. That concluded that a full Habitat Regulation Assessment would be required on the basis that a number of suggested policies and allocations had the potential to have a significant effect on designated sites.
46. AECOM were appointed to carry out that Habitat Regulations Assessment and this “screened in” for Appropriate Assessment the following designated sites; Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar and Morecambe Bay SAC. The report concluded that any impacts could be satisfactorily mitigated so that there were no residual significant detrimental impacts on the European protected sites.
47. I am satisfied that the basic conditions regarding compliance with European legislation, are met. I am also content that the Plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

48. I must congratulate Slyne with Hest Parish Council on the quality of the plan’s documentation. The submission version of the plan is well laid out, it is an easy read and makes good use of photographs and maps which gives the reader a good sense of the parish and in particular, its stunning views across Morecambe Bay to the Cumbrian Hills beyond. The early sections give a real insight into the parish and sets the scene for the policies and this is amply demonstrated by the vision for the parish as set out in paragraph 3.3.1.
49. The plan is proposing only a limited number of policies – 11 in total including one housing allocation and also sets out 4 Projects and Community Commitments for matters that are pertinent to the parish, but which are not being put forward as land use planning policies. That is in line with good neighbourhood planning practice. The advantage of neighbourhood plans is that they only need to concentrate on issues of particular interest / concern to the local community.
50. The drafting of the actual policies does require some attention. A neighbourhood plan is actually incorporating the policies which will be used to determine planning applications, so the expectations of the policy should be clear. There are numerous examples where the proposed wording does not do that. I will give some

examples, - “The plan recommends”, “The plan proposes” or “The plan endorses”. As this is a theme which is repeated through the policies, I will be making recommendations in each of the policy areas for minor alternative wording which make its expectations for the determination of planning applications clear. That will bring the policies into line with Secretary of State advice as to how neighbourhood plan policies should be drafted.

51. One of the unique roles a neighbourhood plan can play, is to allow communities themselves to allocate sites for development. It is clear from my reading of the plan that the Parish Council has approached this matter with care and it is clear that the Parish Council has worked closely with the city council as well as with landowners. However, the plan as well as being an expression of the local community’s aspirations, also needs to meet the basic conditions, which I have described in an earlier section.
52. The biggest issue that my examination has had to confront, is whether the allocation of land which currently within the Green Belt for housing, meets the basic conditions. I will address this issue in detail in this section of the report rather than under Policy H2.
53. This neighbourhood plan has been produced in parallel with and against the backdrop of the City Council itself developing new strategic policies with a new Local Plan, and also updating its development management policies. This has established the strategic context for the preparation of this neighbourhood plan. Slyne and Hest Bank are identified as sustainable settlements in the rural areas. This means that the settlements should be the focus of new development beyond the urban areas. The key question is, whether that status means that there is an expectation that residential development should be allowed to extend beyond the existing settlement footprint as shown in Figure 3 into what is currently Green Belt.
54. The Lancaster Local Plan – Part 1, which is a relatively recently adopted local plan, does not propose changes to the Green Belt around the village of Slyne with Hest, but it does elsewhere in the parish, where for example land between the Bay Gateway and Lancaster has been removed from the Green Belt to accommodate the 700 dwelling North Lancaster Strategic Site. The evidence base for the plan included the Green Belt Review, which looked at all potential sites around the village but it did not recommend any changes as being necessary to meet the housing and employment requirements of the district nor did it highlight any anomalies that needed to be corrected (which it did elsewhere as described in paragraph 22.26 of the Local Plan Part 1).
55. This Green Belt Review was said by the Local Plan Inspector to be a robust piece of work. He said in paragraph 39 of his report.

“The Green Belt Review is one component of a wider site assessment and selection process to identify a supply of suitable and deliverable sites to meet the district’s employment and housing needs. In that context, I consider that the Green Belt Review is fit for purpose and provides an appropriate basis for sites to be identified for removal or more detailed consideration through the employment and housing site selection methodologies.”

56. I am not convinced that the disagreements of the Parish Council with some of the Report's findings in respect of the allocation site are so compelling as to lead me to disagree with Inspector Mc Coy's conclusion that it is "fit for purpose".
57. The Local Plan does not specify a specific housing figure for the settlement of Slyne with Hest nor has the Parish Council asked for a housing figure from the City Council, as suggested in paragraphs 66 and 67 of the NPPF. Therefore, that omission leaves something of a void, if the plan makers were to seek to establish how much land is required to be allocated for residential development, in the way that it is consistent with the strategic aspirations set out in the local plan.
58. It has therefore not been possible for me to come to a firm conclusion as to whether, in order to assess the future level of housing growth expected in Policies SP2 and SP3, it is necessary to re-examine, as part of the neighbourhood plan process, whether there are grounds for the Green Belt boundary around the village to be changed or conversely, whether the neighbourhood plan strategy should be that development should be constrained to within the settlement boundary. It seems that the Parish Council had, early on, reached the conclusion that the Local Plan's aspirations could only be met by taking land out of the Green Belt, despite the expectations of the level of housing required to be provided in the village, not being quantified or indeed being based on any housing needs assessment due to the constraints in part imposed by the Green Belt.
59. The Parish Council appears, according to its response to my question in paragraph 15 of my Initial Comments document, to have come to a view that the plan should include a figure of 30 dwellings, based on the sole reason that that is the capacity of the site it has chosen to seek to allocate for housing development and to remove from the Green Belt. It has chosen the site because it is smaller than the other potential housing site, which has a capacity of 200 units.
60. The Local Plan identifies a number of villages within Policy SP3 as sustainable rural settlements, but it has also set out an expectation in Policy SP6 that neighbourhood plans across the district will deliver 557 units. It does not set any parameters as to how much each of the settlements should deliver. Rather it sets out in general terms in Policy SP3 as follows
- "In general, the scale of planned housing growth in rural areas will be managed to reflect existing population size, be proportionate to existing scale and character of the settlement and the availability of, or the opportunity to provide, infrastructure, services and facilities to serve the development and the extent to which development can be accommodated within the local area."*
61. I place particular weight on the last factor "the extent to which development can be accommodated *within* the local area" and I note the next paragraph of the policy it goes on to state
- "In allocating land for development, the Council have had regard to Areas of Outstanding Natural Beauty, the North Lancashire Green Belt, areas of flood risk, the historic environment and designated wildlife sites, when establishing the scale, extent and form of development."*

62. As such, I am assuming that the Lancaster Local Plan was not anticipating that changes in the Green Belt boundary around Slyne with Hest settlement would be necessary to achieve the scale of planned housing growth expected.
63. In subsequent correspondence, the City Council has confirmed that Slyne with Hest and the neighbouring village of Bolton le Sands, are the only villages identified in Policy SP3, which are constrained by the North Lancaster Green Belt. Part of the rationale for Lancaster district not being able to fully meet its objectively assessed housing need figure, is due in part, to the constraints imposed by the North Lancaster Green Belt. Therefore, that could be the same justification to establish the contribution to the overall district housing supply from Slyne with Hest will be lower than the other settlements. It can also be assumed that the expectations in the spatial strategy as set out in Policy SP3 will be delivered from sites falling within the settlement boundary. Otherwise, I would have expected the Local Plan to be making explicit statements in the context of how Policy EN4 – North Lancaster Green Belt policy is to be applied.
64. I now turn to whether the neighbourhood plan should be able to propose changes to the Green Belt.
65. My starting point is paragraph 137 of the NPPF which states: -
*“The Government attaches **great importance to the Green Belt**. The fundamental aim of Green Belt policy is to prevent urban sprawl by **keeping land permanently open**; the essential characteristics of Green Belts are their **openness and the permanence**”* (my emphasis)
66. The ability to alter Green Belt boundaries is set out in paragraph 140 of the framework. This states: –
“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. Strategic policies should establish the need for any change to Green Belt boundaries, having regard to the permanence in the long-term, so they can endure beyond the plan period.”
67. From this statement, it is clear to me that it is the Local Plan, rather than the neighbourhood plan that should be establishing whether exceptional circumstances for a change in Green Belt boundary around the village has been properly justified and evidence. The Local Plan does not do that or even suggest that it may be a possibility.
68. The paragraph then continues: -
“Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies including neighbourhood plans”
69. My interpretation of this paragraphs differs from the views expressed by City Council officers, who responded to my Initial Comments document and also those submitted on by Smith and Love Planning Consultants. I see their interpretation as being that once a local plan has accepted the need for changes to be made to the Green Belt anywhere within the district, it is then open for any neighbourhood

plan to be able to make changes to Green Belt boundaries, beyond those specifically made in the recently adopted Local Plan.

70. My alternative interpretation of that paragraph, is that the Secretary of State 's approach is whilst maintaining the importance to the permanence of the Green Belt, his wording provides flexibility to amend those revised Green Belt boundaries which have been identified by strategic policy where, for example, a neighbourhood plan would seek to provide further detail on the way strategic allocations are to be delivered.
71. I would therefore have accepted the Slyne with Hest Neighbourhood Plan could have sought to make amendments to the Green Belt boundary, say to the North Lancaster allocation site, if the Neighbourhood Plan had chosen to address in greater detail how that urban extension is to be planned and developed, as long as it stayed within the strategic policy framework provided in Policy SG9. That has been my experience elsewhere. I have previous experience on this issue when I examined a neighbourhood plan which changed Green Belt boundaries for the village of Thorpe, in the district of Runnymede in Surrey, where the Local Plan had inset the village from the Green Belt. The Local Plan specifically indicated that the neighbourhood plan could establish whether changes to those boundaries would be justified. That is not the case in respect of Slyne with Hest.
72. I am reinforced in my views by the comments of the Lancaster Local Plan Inspector, where in paragraph 40 of his decision letter, he states: -
“With regard to the likelihood of neighbourhood plans coming forward and seeking to allocate sites in the Green Belt, any further review of the Green Belt boundary would need to be carried out as part of a review of the plan.”
73. On my site visit, I was able to appreciate the openness of the proposed allocation site at land west of Sea View Drive, which contributes to the rural setting of the Lancaster Canal in this location and whilst I do not accept that its development in isolation would necessarily lead to coalescence with adjacent settlements, nevertheless its development would result in the loss of a piece of countryside which abuts the urban area. I am satisfied that the recently adopted Local Plan and its Green Belt Review was justified in green belt terms in choosing to maintain this land as Green Belt, on the grounds of its openness.
74. I note that the parties seeking to promote the proposed allocation site made representations at the Local Plan Inquiry for its release, but clearly, they did not persuade the Inspector to recommend such a modification. That forum would have been the correct vehicle, in my opinion, for promoting alterations to the Green Belt rather than doing so through a neighbourhood plan.
75. Taking all these considerations in the round, I have come to the conclusion that the Neighbourhood Plan's proposals, as set out in Policy HE2 to allocate the Land West of Sea View Drive for housing, and the associated proposals for it to be taken out of the Green Belt, would be contrary to the Secretary of State's policies for keeping Green Belt land permanently open and also would not be in general conformity with the strategic policies in the Local Plan, especially with regard to

the North Lancaster Green Belt. I have therefore concluded that this part of the plan does not meet the basic conditions and accordingly I am recommending that this housing allocation and the proposed changes to the Green Belt boundary should be removed from the neighbourhood plan.

76. There remains some limited scope for residential development to take place within the settlement boundary and this is accepted by the neighbourhood plan in Policies HE1 and HE3. As such I consider that the plan can still be positive and proactive and contribute to the settlement's role as a location for sustainable development commensurate with its role within the settlement hierarchy, albeit the scale of that development is limited to the extent that it is possible, within the constraints of being a village which is surrounded by the Green Belt.
77. Notwithstanding my conclusions on the Green Belt boundary and the housing allocation, which I know will disappoint those who are promoting the site and maybe, will be welcomed by those local residents who submitted objections at the Regulation 16 stage, I have concluded that the neighbourhood plan, when taken as a whole will deliver sustainable development, which is another of the basic conditions. The plan seeks to support windfall residential development within the settlement, which will help sustain local services, ensuring that any housing that takes place addresses local housing need, promotes good design, supports business development, protect areas of ecological importance, some of which is of international importance, protects green spaces and supports community facilities.
78. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. Such changes are likely as a result of my recommendations, in order that the Plan will still read as a coherent planning document.
79. Following the publication of this report, I would urge the Parish Council and Lancaster City Council's planners to work closely together to incorporate the appropriate changes which will ensure that the text and policies of the Referendum Version of the neighbourhood plan accord with my recommended modifications.

The Neighbourhood Development Plan Policies

Policy HRA1: Protection of Ecologically Sensitive Sites

80. This policy essentially repeats the requirements set out in Policy EN7 (not EN9 as referred to in the submission version of the Plan) and Policy SP8 of the Lancaster Local Plan: Part One. I note that the Habitat Regulation Assessment did recommend the addition of the wording, to refer to these local plan policies. However, those local plan policies will still be applying to development within the plan area. Furthermore, the requirements of Habitat Regulations, would prevent the approval of any development which would affect the integrity of internationally

designated sites. This is also highlighted in Policy DM44 of the Local Plan Part Two.

81. Paragraph 16f) of the NPPF states that plans should avoid “unnecessary duplications of policies that apply to particular area”. According, this policy does not actually serve any specific purpose as the areas of internationally designated sites are already protected by national as well as strategic planning policy.
82. The Parish Council has indicated that it would not oppose the deletion of this policy.

Recommendation

That the policy be deleted.

Policy HE 1: Housing Need

83. This policy supports residential development so long as it is taking place within the settlement boundary. As drafted it could be claimed that the policy could be interpreted that its requirements would equally apply to the land at the North Lancaster Strategic Allocation, which I am confident was not the Parish Council’s intentions, as it has not sought to revisit that strategic housing allocation within its boundary. I will therefore recommend the policy refers to the settlement of Slyne with Hest which lies outside of the Green Belt as designated by the Lancaster Local Plan – Part 1.
84. The aspiration of the plan which is to ensure that the housing need for the settlement is provided, is in line with national policy as set out in paragraph 67 of the NPPF. It goes on to set out the types of homes the plan will support.
85. There has been some discussion during the examination as to whether there is a need for the second bullet point, which relates to affordable housing. The City Council has made it clear that it considers that its inclusion is unnecessary. The Parish Council has suggested a revised form of wording namely that “affordable housing must be provided in line with the requirements of the Local Plan”. That would essentially be a policy requiring compliance with an existing development plan policy which will already apply within the parish of Slyne with Hest. I am minded to agree with the views of the City Council, that there is no need for the second bullet point in the policy
86. I had questioned which types of development will be expected to follow the principles set out in the HAPPI report, whose full title is “Housing an Ageing Population: Panel for Innovation”. I am satisfied that the intention can relate to “any housing that could be occupied by any age group which we assume will be interpreted as dwellings without staircases.” That guidance will not be relevant to all residential development, I propose to caveat its applicability to “where relevant”.

Recommendations

Delete “The Plan proposes that:”

In the first bullet point replace “defined settlement boundary” and replace with “settlement of Slyne with Hest which falls outside of the

North Lancaster Green Belt as designated by the Lancaster Local Plan – Part 1”

Delete the second bullet point

In the third bullet point after “Planning Practice Guidance and” insert “where relevant”

Policy HE2: Site for New Development

87. For the reasons that are fully set out in my Plan Overview section of this report, I have concluded that the proposal in the neighbourhood plan to take the site, known as Land West of Sea View Drive, out of the Green Belt and to allocate it for a housing development comprising 30-35 dwellings, would not meet the basic conditions. Specifically, it is contrary to the strategic policy, Policy EN4 covering the North Lancaster Green Belt as established in the recently adopted Part 1 of the Lancaster Local Plan which identified the site as Green Belt. That boundary had been confirmed following the Review of the Green Belt, conducted by the City Council and endorsed by the Local Plan Inspector.
88. This policy and allocation do not, in my opinion, have regard to the Secretary of State’s policy for the Green Belt, where its fundamental aim is to ensure the permanence of the Green Belt and to maintain its openness. I do not accept that the strategic policies in the Local Plan offer the explicit strategic context to allow changes to be made to the Green Belt boundary around the settlement of Slyne with Hest, via this neighbourhood plan.
89. Accordingly, I have concluded that if I were to maintain this designation it would mean that the plan as a whole should not be made. However, I believe that by deleting this particular policy, then the neighbourhood plan as amended by other changes can proceed to referendum.
90. Once the principle of the allocation has been rejected then the need to establish criteria for how that site is to be developed becomes unnecessary and therefore, I do not need to consider it further.

Recommendation

That the policy and supporting text be deleted

Policy HE3: Future Housing Development

91. This policy sets out where windfall development can be located within the parish. As submitted, the policy would support development which is “attached to” the village footprint. That would support residential development from sites that are within the North Lancaster Green Belt and as such would not accord with the Secretary of State’s policy for development in the Green Belt and accordingly would not meet the basic conditions. I raised this issue with the Parish Council and they conceded that reference to sites being “attached to” the settlement boundary can be omitted.

92. I see no basis for support only be given to *small* sites as windfall residential development within the village footprint, will be policy compliant and in any event, what size of schemes constitutes "small", is not defined.
93. I believe that the work undertaken within the plan describing the key characteristics of the character areas, will form a sound basis for decision-making. The wording of the policy refers to the architectural styles being "as described below". The neighbourhood plan policy will be quoted beyond the confines of the neighbourhood plan document, such as a planning decision notice or in an appeal document. I will propose an alternative form of wording.
94. I do not consider that a requirement of a policy to require compliance with another local plan policy or indeed another policy in the neighbourhood plan is necessary. It is important that for the purpose of decision-making that all relevant policies are considered in respect of a planning proposal. I will be proposing that this paragraph be deleted.

Recommendations

Delete "The plan recommends that"

In the first sentence, delete "small" and "attached to or"

At the end of the first paragraph, delete "as described below"

Delete the second paragraph of the policy.

Policy BE1: Design

95. As drafted the policy appears as a recommendation. The purpose of the local plan policy is to set out the expectation on how the determination of planning application will be assessed. I will recommend the change the language to provide an appropriate degree of certainty for both decisionmaker and applicant.
96. Of the detailed aspects of the policy, I consider the reference to the density housing in the conservation area being high compared to the rest of the village, is not actually a statement of planning policy against which applications will be determined, but essentially a statement describing the character of that part of the parish and it is unnecessary as any residential development within that character area will need to meet all the aspects as set out in the policy, which includes reflecting the density of development in the immediate locality.
97. Regarding the choice of materials, I note that the policy is only *encouraging* the use of more sustainable materials. As such I do not consider that these conflict with the Secretary of State's expectations are set out in his Written Ministerial Statement, dated 25th March 2015, which states that neighbourhood plans should not set "any local technical standards and requirements relating to construction, internal layout or performance of new dwellings".
98. This equally applies to criteria which also offers "encouragement" to the use of types of materials as set out in criteria five, eight and nine. For the avoidance of doubt, planning applications that do not meet these criteria could not be refused

as the policies are only offering “support” and “encouragement” rather than setting out policy requirements which must be complied with.

99. There are some changes to the supporting text which will require amendment.

For example, a Design and Access Statement is only required major development

(i.e. 10 units or more”) or for development within a conservation area. I would suggest that the first part of 4.10 be prefaced by “Where they are required to be submitted” rather than “As outlined in the National Planning Practice Guidance”

Recommendations

In the first paragraph delete “the plan recommends that” and replace “must” with “will be expected to”

In 2, delete all text after the first sentence

Policy B1: Business Development

100. There are issues in the case of business development which takes place in areas falling outside the settlement boundary where the policy, as submitted, supports tourism and small business development, but that ignores the Green Belt status of the parish’s rural areas, where there would be presumption against any new building, in accordance with national policy. However, the Secretary of State policies do allow the reuse and replacement of existing rural businesses and that could be accommodated within the policy framework setting as set out in the paragraph 149 with the NPPF. I note the qualification in the final part of the first paragraph which refers to paragraphs 89 and 90 of the NPPF which should, as the Parish Council now accepts, be referring to paragraphs 84 and 85, but those sections of the Framework refer to all rural areas rather those than those that are within the Green Belt which is covered by a separate chapter of the NPPF. I believe that the aspirations of the policies can be met if the policy refers to existing buildings within the Green Belt. In my view referencing to the framework provided by Policy DM47 would not override the presumption against new development as set out in the Local Plan Policy DM50 development in the Green Belt.

101. The third element refers to offering support for development including the extension of existing businesses. I consider that is acceptable within the settlement boundary, but such a blanket support would not be appropriate within the Green Belt.

102. The policy supports the development of small store/work units but it excludes from that description, light industry uses and B2 industrial units. The definition of uses falling within Class E g) (iii) is “any industrial process being a use which can be carried out in any residential area without detrimental to the amenity of the area by virtue of noise, vibration, smell, fumes, smoke, suit, ash, dust or grit”. If a proposal meets these requirements, then there is no particular reason why such uses might not be permitted in any appropriate location within the parish. I do not accept the Parish Council’s justification for its inclusion, namely that “it

was thought that this was not enough to protect individual's well-being from the impact of "industrial processes" being carried out from residential properties". This is not relevant as this exception falls within the remit of referring to small storage/work units rather than uses which fall within Use Class C3 – residential properties. If a use does not meet this strict criteria, it cannot be a use that falls in to Class E(g) (iii).

103. The penultimate paragraph refers to proposals and development on previously developed land within the Green Belt, as well as requiring proposals having to comply with local plan policy. It then goes on to say that restaurants, offices and recreational facilities *may* be considered appropriate. This does not provide the level of certainty expected of a planning policy as it only refers to proposals *may be* considered appropriate. The Secretary of State advice on how neighbourhood plan policies should be drafted, as set out in the National Planning Practice Guidance is that the policy "should be drafted with sufficient clarity that decision-making can apply it consistently and with confidence when determining planning applications". Not only does it not provide certainty, but the policy as drafted does not provide certainty as to how other proposals within the same Use Class will be considered.
104. Furthermore, in terms of the size of replacements, it refers to newbuilds being "based on the footprint of any development they will replace". I consider it would be clearer if the policy referred to replacement being not materially larger than the one it replaces" - that is the approach taken in the Framework.
105. The final requirement is that the development should "not add significantly to traffic volumes and congestion". Again, the approach does not reflect the Secretary of State's policy which states that "developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe". I consider that should be the test but apply to business development in the parish.

Recommendations

Replace the first paragraph with

"Sustainable rural tourism and small business development will be supported within the village of Slyne with Hest as shown on Map 3. Development outside of the settlement will be supported if it complies with national policy for the control of development within the Green Belt, as set out in paragraphs 149 and 150 of the NPPF and Policy DM50 of the Lancaster Local Plan Part 2. Proposals outside of the village should respect the character of the countryside and their design, construction and operation should have minimal impact on the environment and reflect the rural nature of the parish."

In the third paragraph, add at the end of the sentence "subject to compliance with national policy in the Green Belt parts of the parish."

In the fourth paragraph, delete "E(g)(iii) and"

***In the fifth paragraph, first sentence, after “Lancaster Local Plan” insert “and paragraph 149 g) of the NPPF” and in the second sentence after “(recreational facilities)” replace “may” with “will”.
In the final paragraph – second bullet point replace all text after “does not” and insert “have an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe”.***

Policy NE1: Flooding

106. Most of the policy reflects existing national as well as current local plan policy. I did question with the Parish Council the level of duplication in my Initial Comments document. The Parish Council did refer to the importance attached to this issue during the public consultation and pointed out that the local evidence/knowledge of flooding would constitute a locally distinctive element of the policy.
107. I consider that the policy can be retained in a form, but not so as to duplicate existing policy, but my recommendation can include reference to taking advantage of locally evidenced knowledge of local flooding when considering historical flooding as well as projected events, but it cannot be a requirement that consultation has to take place with the Parish Council. I will propose that such contact should be encouraged in a more focused policy.

Recommendation

Replace the policy with “In addition to having to comply with the requirements of Policy DM 33 and 34 of the Lancaster Local Plan and the provisions of paragraphs 159 to 169 of the NPPF, applicants are encouraged to have regard to the localised areas which are known to be vulnerable to flooding, as shown on Figure 16”

Policy LE2: Views

108. Again, the requirements of policy need to be amended, as it presently refers to the plan “endorses maintaining views”. I will propose alternative wording.
109. I identified an issue with the annotation of the views in Figures 18 and 19 as each is identified by a star. It is important for a decisionmaker to know not just the location of viewpoint but also the direction of the view which is to be protected. I understand that City Council has assisted the Parish Council in preparing amended plans, which will include in the direction of the view which I consider will meet my expectations. My recommendations include the insertion of the amended plans into the document.
110. I consider the policy should be explicit in identifying those views that are to be protected by its provisions. As drafted, particularly in the second bullet point, the policy also seeks to protect other non-identified views. I consider the 20 identified views are the key views, which have been identified during the plan making process and if the community had sought to protect other views, then these should have been identified on the maps. As drafted, it places uncertainty as to

whether a development will impact on a valued yet unspecified view. In any event, I consider that landscape protection measures are already covered by Local Plan Policy – Part 2, Policy DM 46 which has a specific provision for protecting coastal landscapes and seascapes.

111. I will therefore propose that second bullet point, specifically relates to just to the key views and final bullet point should be omitted as if there were other significant protected views then they should have been identified.

Recommendations

Replace the first paragraph with “The Plan identifies the following key viewpoints, as shown on Map X and as described on the associated keys. Development affecting these identified views will be expected to protect and, where possible, enhance these views. In particular, these views should not be blocked and should not be negatively affected by distracting colours, masses or shapes that do not correspond with existing elements of their setting.”

Insert the revised Landscape and Village Viewpoints Map instead of Figures 18 and 19

Policy NE3: The Coastline and development

112. I have no comments to make on his policy apart from the changes to the requirements of the policy which currently states that “The Plan advises”

Recommendation

Delete “The Plan advises that”

Policy COM1: Community Facilities

113. The language of the policy needs attention to make it clear that the plan supports the development of multiuse community buildings in the parish it should be explicit that such facilities should not be located within the Green Belt.
114. I understand City Council has not currently resolved to implement the Community Infrastructure Levy Scheme. I understand that it may review the situation in the light of possible introduction of a national levy.
115. I therefore do not consider it appropriate to include Parish Council’s proposals on how it would spend its element of any future CIL payment. Furthermore, a neighbourhood plan policy is intended only to be a policy to be used to determine planning applications. How funds are to be spent by the Parish Council is essentially a budgetary decision, which can appropriately be included within the neighbourhood plan document but it should not be included as a planning policy. It could either be included within the supporting text or within the final Community Commitments and Projects part of the plan.
116. The final paragraph essentially repeats Policy DM56 of the Local Plan- Part 2 which will already be covering the parish and its inclusion constitutes unnecessary duplication.

117. The City Council has helpfully prepared a new map showing the location of identified Community Facilities.

Recommendations

Delete “The Plan proposes that” and after “listed below” insert “and which are shown on Figure X”

Insert new Map entitled Community Facilities

Replace the third paragraph, with “Proposals for the building and development of multi-use community buildings in the non-Green Belt parts of the Parish will be supported subject to the building being of a sensitive design, in keeping with its immediate surroundings and offering flexible space that can adapt to the changing needs of the community.”

Delete the final two paragraphs of the policy but include the penultimate paragraph as a Community Commitment and Project

Policy COM2: Green Spaces

118. Whilst the plan is not explicit, I have treated the 16 sites as open spaces, rather than being designated as local green spaces, which would enjoy a higher level of protection, provided by paragraph 103 the NPPF which is equivalent to Green Belt. Instead, I am treating them as being consistent with the principles set out in paragraph 99 of the framework which covers open space as the policy includes provisions which allow for development to take place on that land.

119. The policy as submitted identifies 16 spaces for protection but I understand that the Parish Council is now seeking to reduce that down to the 11 spaces shown on Figure 24. There had previously been an inconsistency between the two lists.

120. I have no comments on the choice of the open space which I consider can be a matter that is properly left to local determination.

121. The final two paragraphs duplicate existing policies and are therefore recommended for deletion as their provisions already cover the parish.

Recommendations

Delete the following bullet points from the first list, 1,2,10,12,14

Delete the final two paragraphs from the policy.

Replace Figure 24 with the revised Open and Green Spaces Map

The Referendum Area

122. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Slyne with Hest Neighbourhood Plan as designated by Lancaster City Council on 14th April 2016 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

123. I congratulate Slyne with Hest Parish Council and the Steering Group on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production. I know that the Parish Council has not shied away from the often-difficult issues of identifying land for development but that is complicated by the fact that the neighbourhood plan is seeking to take that site from out of the North Lancaster Green Belt.
124. I know that my recommendations in terms of the Land West of Sea View Drive will disappoint some parties and even possibly the City Council, but as I have discussed at length, I have not been satisfied that the provision of paragraph 140 of the NPPF apply in this case. I have given this matter much thought, but I am reminded that the legislation makes it explicit that my examination must only look at the basic conditions test and for the reasons I have set out fully in this report, my conclusion is that Policy HE2 does not meet the basic conditions.
125. The restrictions imposed by the North Lancaster Green Belt place significant restraints on what development can take place outside the built-up areas and that is recognised in the adopted Local Plan's Spatial Strategy. The Local Plan is the appropriate vehicle for reviewing Green Belts and it has done that through its proposals, for example, at North Lancaster. The Local Plan has not indicated a need for further Green Belt releases to achieve its housing objectives and indeed through Policy EN4 it has reinforced the importance of the Green Belt. It is within this strategic framework that the neighbourhood plan has to operate.
126. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
127. I am therefore delighted to recommend to Lancaster City Council that the Slyne with Hest Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS
John Slater Planning Ltd
28th September 2022