

SLYNE-WITH-HEST NEIGHBOURHOOD PLAN
RESPONSE BY LANCASTER CITY COUNCIL TO THE INITIAL COMMENTS OF THE
INDEPENDENT EXAMINER

27th JULY 2022

1. Comment Noted.
2. Comment Noted.
3. Comment Noted.
4. Comment Noted.
5. Response to be provided by Qualifying Body.
6. Response to be provided by Qualifying Body.
7. Comment Noted.
8. Response to be provided by Qualifying Body.
9. Comment Noted.
10. Comment Noted.
11. The Council agrees that the second bullet point within policy HE1 which relates to the provision of affordable housing in line with the Local Plan thresholds is unnecessary.
12. Response to be provided by Qualifying Body.
13. The Council have identified Slyne-with-Hest as a Sustainable Settlement within Policy SP2 of the Strategic Policies & Land Allocations DPD. With regard to meeting development needs, Policy SP2 states that sustainable settlements *'will provide the focus for growth for Lancaster district outside of the main urban areas subject in the AONBs to the constraints of the protected landscapes where a landscape-capacity approach will be taken.'*

The LPA expect that sustainable settlements will seek to support growth from not only their own settlements needs, but also address wider needs where the opportunities allow to do so. Only in Areas of Outstanding Natural Beauty will this approach be considered differently due to the balance needed between meeting development needs and the need to protect the nationally designated landscape.

The North Lancaster Strategic Site, which sits within the NP area, is a significant allocation in its own right. However, the Local Plan is clear that due to the wider constraints in the district and the consequential challenges relating to housing delivery, that Neighbourhood Plan groups should look to be positive in terms of identifying further opportunities in their Plans for housing delivery. This is set out in Policy DM55 of the Development Management DPD. Policy H2, of the Strategic Policies and Land Allocations DPD, also states that: 'Within the settlements of...Slyne-with-Hest...the Council expects via the Neighbourhood Plan process, the respective Parish Council's to proactively and positively plan for housing growth within their communities in the context of this DPD.'

In the case of Slyne-with-Hest, the LPA recognise the constraints which face opportunities for the delivery of new housing due to the Green Belt designation which is drawn around the settlement area. As a result, the LPA accept that the number of opportunities which can be afforded for growth in this area are likely to be limited.

14. The Parish Council have not formally requested, nor has the LPA provided, an indicative figure for the numbers of housing which would be considered acceptable or appropriate within the plan area. Whilst the issues of housing numbers and scale of development has been discussed informally through the preparation process with the qualifying body, there is no formal requirement in regard of housing numbers within the Local Plan which the Neighbourhood Plan group should be working to.

The Council's position is that the use of an arbitrary figure, which would almost certainly be used as a benchmark, was not considered to be appropriate and the matter of providing indicative figures was well explored during the Examination of the Local Plan. The Council's approach was well described in Matters Statement 2 of that Examination (paras 2M.1 – 2M.7) which has been attached to this response for reference.

The LPA have been keen for the neighbourhood plan itself, through robust assessment and proactive consideration, to identify all sites which are concluded to be suitable, achievable and deliverable to ensure that opportunities are maximised in the neighbourhood plan area. The LPA notes the balances which are required in terms of maximising such housing opportunities in the context of the Green Belt designation which surrounds Slyne-with-Hest.

The Local Plan, via Policy SP6, sets out a further element of additional supply which includes opportunities which may arise in neighbourhood plan areas across the district (in total there are 11 areas designated). This represents a notional figure which is based on potential known opportunities arising from the City Council prepared Strategic Housing & Employment Land Availability Assessment (SHELAA). Whilst SP6 includes this notional figure, this is deliberately not split into specific designations.

15. Response to be provided by Qualifying Body.
16. The LPA note the direction of paragraph 140 of the Framework which 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 changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to the Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

Through the Local Plan, the LPA have identified in strategic policy significant housing needs for the district and recognised the significant challenges in meeting that need (Policy SP6), the Plan goes on to place an expectation that neighbourhood plans will positively assist in making contributions to addressing this need. The Council have also identified through Strategic Policy that Slyne-with-Hest represents a sustainable settlement, which should be a focus of growth outside the main urban areas of the district (Policy SP2). In this context, given Slyne-with-Hest is surrounded by Green Belt, the LPA believe that Slyne-with-Hest has the strategic policy position to investigate opportunities within the Green Belt to achieve such needs, particularly where the evidence supports those opportunities.

The LPA note that within paragraph 140 of the Framework neighbourhood plans are given the ability to make detailed amendments to the Green Belt, and the LPA consider that the amendments to the Green Belt, as proposed in the neighbourhood plan, represent detailed amendments to a small section of the North Lancaster Green Belt and therefore is consistent with the direction of paragraph 140 and is supportive of the strategic policies contained within the Strategic Policies & Land Allocations DPD. Furthermore, within the context of paragraph 140, the LPA did not seek to amend or re-align the Green Belt boundaries of a non-strategic nature, recognising that given the neighbourhood plan designation, this could be achieved through the non-strategic planning process should that be the ambitions of the Neighbourhood Plan.

The LPA do not agree with the suggestion that the neighbourhood plan should be able to make detailed amendments to the boundary of the North Lancaster Strategic Site. The LPA arrived at the boundaries to this allocation via a robust assessment process, supported and informed by evidence. This is a strategic policy and a strategic allocation within the Local Plan, any proposed amendments in the neighbourhood plan could result in challenges which may affect its implementation or delivery.

17. In the context of the response provided via question 16, the LPA would agree and accept this interpretation.
18. The LPA would re-iterate its position in regard of paragraph 140 of the Framework which, in its view, permits neighbourhood plans to consider detailed amendments to the Green Belt where strategic policy support it. The LPA believe these circumstances to be engaged in relation to the approach taken in Policy HE2 of the neighbourhood plan.

The LPA recognise the importance of protecting the Green Belt, it is important that the correct balance is struck to ensure that communities which are fully contained in the Green Belt, such as Slyne-with Hest, are able to meet their housing needs. The Council recognise the inevitability that this will involve considering opportunities in Green Belt locations. Whilst strategic changes

to the Green Belt should only be considered via the review of the strategic plan, this does not stop small-scale changes from occurring through the preparation of a neighbourhood plan where the local community support such changes.

The LPA were mindful of making such a change to the Green Belt through the preparation of the Local Plan. However, given the stage the neighbourhood plan was during the preparation of the Local Plan, any such decision by the LPA would have been pre-judging or pre-emptive of the communities decision on this matter. In the context of paragraph 140 of the Framework, the LPA were satisfied that the neighbourhood plan process possesses sufficient weight to being such proposals forward.

19. Comment Noted. Please find attached to this response an electronic copy of the Green Belt Review Parcel Summary (which includes the Sea View Drive parcel, reference 'SWH_03') and also a link to the full North Lancashire Green Belt Review with all of the documentation produced by the Council.
20. Response to be provided by the Qualifying Body.
21. Response to be provided by the Qualifying Body.
22. Request Noted. Lancashire County Council, as Highways Authority, have confirmed that the principle of a single vehicular access is acceptable. Their response is appended.
23. Whilst the City Council consider it unlikely that the policy as worded would result in inappropriate residential development in the Green Belt, especially when read alongside the Council's own Local Plan and the tight village footprint set out in figure 3, additional wording could be included in the policy to ensure that this is made clear. This would make clear that proposals would be supported where they are shown to be consistent with Green Belt policy.

The Council would suggest the following wording 'The Plan recommends that proposals for residential development on small windfall sites attached to or within the village footprint of Slyne-with-Hest (see Figure 3.) will be supported where they **are consistent with Green Belt policy**, they clearly respond to the Character Area within which they are located, expressed in terms of the scale, massing of buildings, density, and materials, and have referenced to the Area's architectural styles, as described below.'

24. Response to be provided by Qualifying Body.
25. The second paragraph refers the reader to other relevant policies within both the Neighbourhood Plan and the Local Plan. The City Council do not have an opinion on the inclusion of this text and recognise that Planning Policy should be read as a whole. That said the inclusion of the text does usefully highlight the need to have regard to this important policy.
26. The LPA consider the Local Plan should be read as a whole, Policy DM47 does permit economic development to take place in rural areas of the district. However, such support – particularly in the context of the Green Belt – must be viewed in the context of national policy (particularly

paragraphs 147 – 151 of the NPPF) and in the local context of Policy DM50 of the Development Management DPD.

In the context of Policies DM47 and DM50, whilst it is likely that the re-use of buildings in the Green Belt for economic purposes would be supported in principle, it is unlikely that new buildings for economic purposes would be supported.

27. The LPA recognise that the breadth of Class E is significant and can cover a wide range of development typologies – from retail parks to leisure facilities to industrial estates. Given this breadth, it is only right that careful consideration should be given to whether blanket support for Class E should be provided through policy. It is the LPA's view that the neighbourhood plan group are, in principle, entitled to consider whether this breadth of development is acceptable or appropriate in the context of their community. That could result in the preparation of a policy which seeks to prioritise land for a specific commercial, employment or leisure purpose.

However, the LPA recognise that seeking to breakdown the sub-categories of Class E could prove problematical in terms of the implementation of the neighbourhood plan in determining planning applications and concluding on whether they fit within the appropriate Class E sub-category.

The Council would recognise and support a policy which sought to prioritise proposal of Class E(g) uses but would accept that these should not be sub-divided any further. The LPA would be satisfied that any proposals brought forward within the Class E(g) category could be reasonably considered in terms of the impacts using other policies within local planning policy in the context of residential, visual and environmental amenity.

28. Response to be provided by Qualifying Body.
29. Please see the response to Question 27. The LPA consider that the wide breadth of Use Class E means that policy will have to consider whether all strands of that Class E would be applicable. This could reasonably result in a policy which seeks to support some elements of Use Class E but not others. However, for the reasons described in the response to Question 27, the LPA do recognise that policies which breakdown the sub-categories of Use Class E may cause issues in terms of the determination of planning applications.
30. Response to be provided by Qualifying Body.
31. Response to be provided by Qualifying Body.
32. Response to be provided by Qualifying Body. (Council assisting with producing the maps upon receipt of the information from the Qualifying Body).
33. The City Council would highlight that Marine Plans should also be used in development management decisions as well. The Marine Management Organisation is a consultee on relevant planning applications with their comments informing the determination of applications.
34. Response to be provided by Qualifying Body.

35. Comment Noted. Response to be provided by Qualifying Body.
36. Response to be provided by the Qualifying Body.
37. Response to be provided by the Qualifying Body but it is the Council's understanding that they are to be treated under the criteria set out in paragraph 99 of the Framework, rather than Local Green Spaces.
38. Response to be provided by Qualifying Body.
39. Comment Noted.
40. Comment Noted.