31st May 2019

Dear Sir / Madam

Re: Church Fenton Neighbourhood Plan Pre-Submission (reg. 14) Draft

Thank you for providing Selby District Council with the opportunity to comment on the pre-submission draft of the Church Fenton Neighbourhood Plan.

The Neighbourhood Plan Steering Group have done an excellent job over the last couple of years in collating the necessary evidence base, engaging with the local community and drafting the plan.

The comments provided below build on comments previously given to the group by Clare Dickinson in March 2018 and December 2018 and it is hoped that they will help the steering group to improve the plan prior to formal submission of the plan to Selby District Council under reg. 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Whilst you are under no obligation to take these comments on board, they are intended to ensure that there are as few modifications and policy deletions as possible at Examination and to strengthen the plan more generally.

Basic Conditions

At Examination, a Neighbourhood Plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (1990). These are as follows:

a) Having regard to national policies and advice contained in guidance issued by the Secretary of State
b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development
c) That making of the order (or neighbourhood plan) is in general conformity with the strategic policies in the development plan for the area of the authority
d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

The Examiner will make detailed recommendations in regard of the above basic conditions. However, specific policy comments are made in the table below, which provides general comments along with an assessment of whether each policy is in general conformity with national policy and Selby's development plan.

It is hoped that these comments are useful and will help the steering group to review the draft plan before it progresses to submission to Selby District Council. Please contact Clare Dickinson to discuss these comments in more detail and to access any further support, if required.

Neighbourhood Plan policy	Relevant NPPF / Core Strategy policies	SDC view
Housing		
Introduction		The section which references the growth options for the Designated Service Villages, should refer to the piece of work undertaken by Arup for SDC. The document can be found here.
H1: Type, size and scale	NPPF paras 61, 62, 65 CS policies SP4, SP5, SP8, SP9	The supporting evidence for this policy which restricts new housing developments to under 10 units is a 2018 parish-wide survey which indicates that the majority of respondents have a preference for developments of less than 10 dwellings. SDC has worked closely with the Neighbourhood Plan group and has expressed concern at various stages of the process that an artificial limit of less than 10 dwellings on developments could be seen as being anti-housing development and not in line with the positive approach to development underpinning the NPPF and localism. Church Fenton is designated in the Core Strategy as a Designated Service Village (DSV) and identified as a settlement which has scope for additional residential development to support rural sustainability. Proposed policy H1 could unfairly place pressure on housing development in other DSVs in the district. All planning application should be dealt with on a case-by-case basis, where factors such as scale and location of development should be taken into account. The supporting evidence base also identifies that the majority of respondents (79%) think that affordable homes to buy should be available in new developments and a sizeable minority (45%) consider that social housing for rent should be included in new developments. Para 62 of the NPPF is clear that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and generally expect it to be met on-site. The mechanism for delivering affordable housing is generally provided by Core Strategy policy SP9 which seeks it on development of market housing sites at or above the threshold of 10 dwellings and through policy SP10 which allows for the delivery of affordable housing in rural

		communities where there is identified local housing need. It is noted that Policy H1, and supporting text, refers to community led housing having been identified as the mechanism for delivering affordable homes, but there is no detail of how this will be delivered. Consideration should be given in the Neighbourhood Plan to the allocation of a rural exception site to deliver this identified need.
H2: Design Principles	NPPF paras 124, 125, 126 & 127 CS policy SP19v v	Section 4.1.2 – this section would benefit from photographs to illustrate the character areas being referred to. Policy H2 is considered to be in general conformity with policy, subject to the following points: Part a) is considered to be unnecessarily prescriptive in requiring that dwellings should be one or two storeys with gardens. Would a well-designed 3 storey house not be appropriate? Part b) needs a bit more firming up as some of it is vague – need to consider how a Development Management Officer would interpret the requirements, e.g. what is the character of the overall area? The design of any new development should be analysis based and it could be worth reiterating this within the text. Requesting that boundaries are hedges of native species may be overly prescriptive. Point iv mentions the need of development to respect the density of its environs. This may be in conflict with point a). Would a higher density development always be 1-2 storeys with a garden? Part c) – the suggestion that modern detailing being supported but required to 'blend in' is confusing. Has reference been made to Historic England / CABE guidance? Sometimes contrasting or locally influenced modern design can work very well. Part d) – again could do with firming up a bit. When drafting policies consideration needs to be given to how they will be interpreted in determining a planning application and / or defended at appeal.

Church Fenton Airbase		Your comments are noted.
H3: Location of new housing development	NPPF paras 155, 157, 158 CS policy SP4, SP15, SP18	The key views section – SDC accepts in principle the importance of views in this part of the village. In providing comments on the existing outline consent at Main Street, Church Fenton (ref. 2015/0615/OUT) Historic England noted the strong visual relationship between the church and fields forming the application site to the south and east, with significant views of the tower and chancel. Through working with Historic England, revised plans were submitted which confined dwellings to the northern part of the application site, thus reducing the level of harm to the setting and significance of the Grade I Listed church. As you are aware, this application was subsequently approved by SDC and a reserved matters application (ref. 2017/0736/REM) is currently pending a decision. We would query whether all of the views are from publicly-accessible places, as they don't seem to necessarily tie in with adopted PROWs? Happy that part a) has now been amended to reflect Core Strategy policy SP4. Part c) still needs amending to better reflect the NPPF. It should be made clear that development should only be permitted in flood zones 2 and 3 if there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
Amenities and Services		
AS1: Valuing community facilities	NPPF para 83 CS policy SP12	This policy is in conformity. However, it is worth noting that permitted development rights exist for the change of use for some uses to others, without planning permission required. The Government has confirmed that Neighbourhood Plans cannot be used to withdraw permitted development rights.
AS2: New community facilities	NPPF para 83 CS policy SP12	This policy is considered to be in general conformity. However, the last paragraph which refers to potential expansion of the primary school needs to reflect para 97 of the NPPF which states that: Existing open space (including playing fields) should be not be built on unless: a) An assessment has been undertaken which has clearly shown the open

		space to be surplus to requirement; or b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
Business and Economy		
BE1: Supporting the small economy	NPPF para 83, 84 CS policy SP2	Happy that this is in conformity – CS policy SP2 refers to small scale employment growth in the DSVs to support rural sustainability.
BE2: Farm diversification	NPPF para 83 CS policy SP13	This policy is in conformity. However, it should be noted that there exist some permitted development rights for agricultural buildings. The Government has confirmed that Neighbourhood Plans cannot be used to withdraw permitted development rights, so it should be noted that this policy cannot be applied to all types of farm diversification.
Environment and Green Spaces		
Introduction		The footnotes on pages 28 & 29 which refer to the NPPF (2012), need to be updated to refer to the 2019 NPPF – should refer now to paras 99, 100 and 101.
EGS1: Local green spaces	NPPF paras 99, 100, 101 CS policy SP12	Para 100 of the NPPF requires that Local Green Space designation should only be used where the green space is demonstrably special to the local community and holds a particular significance and is local in character and not an extensive tract of land. It is noted that Appendix 1 summarises the Local Greenspace that is proposed for designation, but there is no explanation of the methodology used in this assessment – e.g. were there any areas of greenspace that were identified and then sifted out? SDC support the Local Green Space designations made in the draft plan, however there is concern that the area proposed for designation as Local Green Space at St Marys Church and its environs seems large. Part of the proposed designation appears to include the Vicarage (which is presumably a private house and garden – this is not appropriate) and an extensive tract of land to the east of the church (Church Field). A robust justification is required as to why land beyond the graveyard is included. Furthermore, the owner of Church Field has recently

		contacted the Council to ask why their land is included in this draft designation given that it is agricultural land with no recreational value to the local community. This should be removed from the Local Green Space designation.
EGS2: Protecting biodiversity & habitats	NPPF para 170 CS policy SP18	This is in conformity.
EGS3: Green corridors	NPPF para 91 CS policy SP12 SDLP policy SG1	Church Fenton Strategic Countryside Gap is allocated through the Local Plan and development is restricted in this location if it is considered that it will have an adverse effect on its open character or where the gap between settlements would be compromised. This Local Plan designation should be referred to in the supporting text, as currently the text only refers to it in an evidence base document. The table on page 40 needs some context – what is it? Has it been taken from somewhere? Needs a title. The policy needs to reflect saved SDLP policy SG1.
Conservation and Heritage		
CH1: Non designated local heritage assets	NPPF paras 185, 189, 190, 192, 197 CS policy SP19	In the supporting text you state that a number of buildings in the village are already listed and protected from development. This is not the purpose of adding a building to the List and this reference should be removed. It may be suitable however to point out that "Listed buildings are legally protected and work that affects the significance of a Listed Building (including internal work) may require Listed Building consent". The policy is in general conformity, although it should consider what para 197 of the NPPF says with regards to non-designated heritage assets, which requires consideration of the significance of the heritage asset as part of a balanced judgement.
CH2: Development in the historic core	NPPF paras 189, 192 CS policy SP19	This policy is considered to be in general conformity.
Flooding		
F1: Development that does not add to flood risk	NPPF paras 155, 157 CS policy SP15	This policy needs slightly amending to better reflect the NPPF. Is should be made clear that development should only be permitted in flood zones 2 and 3 if there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

High Speed Rail		
HSR1: Design, community and the landscape		These policies are noted.
HSR2: Managing the impact of the development phase		