

CHURCH FENTON NEIGHBOURHOOD DEVELOPMENT PLAN: RESPONSE FRAMEWORK FOR REGULATION 14 COMMENTS (SELBY DISTRICT COUNCIL)

JANUARY 2019

Neighbourhood Plan policy	Relevant NPPF / Core Strategy policies	SDC view	NDP group response	Proposed modification
<b>Housing</b>				
H1: Type, size and scale	NPPF paras 61, 62, 65 CS policies SP4, SP5, SP8, SP9	<p>Section 4.1.1 – The highest priced property currently for sale in the village is £60,000 – presumably a typo.</p> <p>General concern that there is nowhere in the text which sets out what the Housing Needs Survey identifies as the housing need figure for the village.</p> <p>The supporting evidence for this policy which restricts new housing developments to under 10 units is a 2018 parish-wide housing survey which indicates that the majority of respondents have a preference for developments of less than 10 dwellings.</p> <p>However, the supporting evidence base also identifies a need for affordable housing in the village. The mechanism for delivering on-site affordable housing is provided by Core Strategy policy SP9 which seeks it on developments of market housing sites at or above the threshold of 10 dwellings. Given that proposed policy H1 restricts housing developments to less than 10 dwellings, what is the proposed mechanism for delivering affordable housing in the village? The</p>	<p>Yes!</p> <p>Housing need expressed in terms of types, not numbers.</p> <p>CF does not need to take additional housing and no further development anticipated in Plan period.</p> <p>Only community-led schemes will be acceptable delivering affordable homes (broader definition)</p>	<p>Amend</p> <p>Add more evidence from the HNS regarding preferred types/housing needs.</p> <p>No substantive change but further substantiation regarding Community Led Housing in text and policy.</p> <p>No change</p>

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		<p>evidence collected by the 2018 parish-wide housing survey found that 79% of respondents think that affordable homes should be included in new developments and 45% of respondents think that social housing for rent should be included in new developments.</p> <p>Para 62 of the NPPF states 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. Consideration should also be given to paras 63-64 of the NPPF.</p> <p>There is concern that policy H1 will prevent the future delivery of affordable housing in the village and will not meet the need identified in the parish-wide housing survey.</p>	<p>Noted</p> <p>Noted – need to update for next plan period.</p>	<p>No change</p> <p>No change</p>
H2: Design Principles	NPPF paras 124, 125, 126 & 127 CS policy SP19	<p>Section 4.1.2 – this section would benefit from photographs to illustrate the character areas being referred to.</p> <p>Policy H2 is considered to be in general conformity with policy, subject to the following points:</p> <p>Part a) is considered to be unnecessarily prescriptive in requiring that dwellings should be unique in design, one or two storeys, with gardens. Would a well-designed 3 storey</p>	<p>Agreed</p> <p>Noted</p> <p>Agreed</p>	<p>Insert selection of photos – 2 from each CA.</p> <p>Amend to ‘distinctive’</p>

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		<p>house not be appropriate? To request that a dwelling is “unique” in design is inappropriate (houses are very rarely totally unique in design) and I’m not sure this is what you are trying to achieve – would “distinctive” be a better word?</p> <p>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 for new 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 storey with a garden? Such a prescription potentially undermines any attempt at ‘unique’ character.</p> <p>Part c) – unclear what is meant by “environmental systems”. The suggestion of modern design 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.</p>	<p>Some useful points. Need to avoid vagueries.</p> <p>Hedgerows provide for biodiversity that hard boundary treatments do not and are in keeping.</p> <p>Not necessarily!</p> <p>Still opportunity for distinctiveness within this scope.</p> <p>Noted</p>	<p>DG to redraft to firm up this policy and ensure clear reflection of VDS.</p> <p>Define: eg those systems built into a home or development designed to save energy, reduce waste, protect wildlife/biodiversity, prevent pollution, and cut the amount of</p>

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		<p>Part d) – again could do with firming up a bit. When drafting policies consideration needs to be given as to how they will be interpreted in determining a planning application and /or defended at a planning appeal.</p>	<p>Agreed</p>	<p>carbon and other emissions generated.</p> <p>DG to firm up this policy</p>
<p>H3: Location of new housing development</p>	<p>NPPF paras 155, 157, 158 CS policy SP4, SP15, SP18</p>	<p>Unsure about the Church Fenton Airbase section sitting in the housing section.</p> <p>The key views section – where are these views from? They need to be taken from public vantage points / public rights of way. It’s not clear that all of these key views are taken from locations that are publically accessible.</p> <p>The second sentence of part a) which states that “the future growth of the village should rely on one-off specific infill housing developments” could be re-phrased to better reflect Policy SP4 which sets out in DSVs that the following types of development will be acceptable within the development limits – conversions, replacement dwellings, redevelopment of PDL and appropriate scale development on greenfield land.</p>	<p>CF section is here to provide context only.</p> <p>Noted – all are from public places.</p> <p>Agreed – thanks.</p>	<p>No change BUT put CFA text in a box so it is clearly differentiated.</p> <p>Add locations and description of view for each.</p> <p>Amend as suggested.</p>

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		<p>There is concern that part c) of the policy which refers to avoiding flood zones 2 and 3 is not in conformity with the NPPF which states that all plans should apply a sequential, risk-based approach to the location of development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding – development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.</p>	Agreed - thanks	<p>Amend to make clear reference to sequential testing – ensure F1 is similarly worded.</p>
<b>Amenities and Services</b>				
AS1: Valuing community facilities	NPPF para 83 CS policy SP12	<p>This policy is in conformity.</p> <p>However, it is worth noting that permitted development rights exist for the change of use from some uses to others, without planning permission required. The Government has confirmed that Neighbourhood Plans cannot be used to withdraw permitted development rights.</p>	Noted	No change
AS2: New community facilities	NPPF para 83 CS policy SP12	This policy is in conformity.	Noted	No change

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<b>Business and Economy</b>				
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.	Noted	No change
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.	Noted – not the intention of the policy to restrict PD.	No change
<b>Environment and Green Spaces</b>				
EGS1: Local green spaces	NPPF paras 99, 100, 101 CS policy SP12	The introductory text doesn't give an indication of surpluses or deficiencies of green space in Church Fenton.  The formal assessment of these spaces needs to be undertaken in line with the NPPF and requires a bit more work, particularly to demonstrate that the land included is not extensive and demonstrably special. Some of the areas proposed for designation seem large. For example, why is the area beyond the church and graveyard included? Similarly, the area behind the bowling club?	Noted. DG to check SDC evidence base/PPG17 assessments (CD to assist).  Refer to appendix 1 assessments.	Insert evidence as required.  None

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		<p>The policy requires re-wording slightly – whilst the NPPF confirms that policies for managing development within a Local Green Space should be consistent with those for Green Belts, this land is not Green Belt (in most cases) and the policy, as currently worded, is misleading in this respect.</p>	Noted	<p>Re-word: “The following areas are designated as a Local Green Spaces:</p> <ol style="list-style-type: none"> <li>1.Church Fenton Football Pitch</li> <li>2.Church Fenton Cricket Pitch</li> <li>3.Main Street Playground</li> <li>4.Church Fenton Bowling Green</li> <li>5.Village Green</li> <li>6.Sandwath Drive play area and greenspace</li> <li>7.St Mary’s Church environs</li> <li>8.Allotments off Brackenhill Lane</li> </ol> <p>Development on these Local Green Spaces will not be approved other than in very special circumstances.”</p> <p>CHECK NUMBERING AGAINST DIAGRAMS.</p>
EGS2: Protecting biodiversity & habitats	NPPF para 170 CS policy SP18	<p>This policy is okay in principle, although not sure how valid it is to expect developers to provide wildlife features on adjacent sites that are not in their ownership. Furthermore, unsure how requesting that gardens are wildlife-friendly is implementable?</p> <p>Also unsure how “...awareness of Church Fenton’s biodiversity assets will be</p>	<p>Agreed. We need to make the policy practically implementable.</p> <p>Noted</p>	<p>Amend policy:</p> <p>Delete first sentence: superfluous.</p>

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		strengthened” will be implemented through development management decisions?		
EGS3: Green corridors	NPPF para 91 CS policy SP12 SDLP policy SG1	<p>Church Fenton Strategic Countryside Gap is allocated through the Local Plan and development is restricted in this location if it 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.</p> <p>When it’s stated that trees should be provided on a “like for like” basis – what does this mean? Same species or they should be provided at the same location?</p> <p>Unsure how the provision of porous surfaces is relevant to this policy – tarmac can be porous. Would this be better sat in Policy F1, as it is better related to surface water runoff / flooding?</p>	<p>Agreed</p> <p>Numerical and same location.</p> <p>Both Corridors are flood sensitive therefore the need for porous BUT already stated in F1.</p>	<p>Amend text as proposed</p> <p><b>SUGGESTION FROM GROUP – can we include the Trans to highlight this is included in CSG and last part of CF which includes Fenland &amp; wildlife corridor. DG to consider.</b></p> <p>Clarify in policy text</p> <p>Delete bullet</p>
<b>Conservation and Heritage</b>				
CH1: Non designated local heritage assets	NPPF paras 185, 189, 190, 192, 197 CS policy SP19	Under section 4.5.1, details of listed buildings are provided under a sub-heading of “non-designated heritage assets”. This is misleading, as they are designated. Furthermore, the airfield defences at RAF	Noted.	Amend wording in text to clarify difference between listed/scheduled and non designated.

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		<p>Church Fenton are Scheduled Monuments and should be referred to as such.</p> <p>Listed buildings are not 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”.</p> <p>This policy is in general conformity, although should perhaps 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.</p>	<p>Noted.</p> <p>Noted – appendix sets out rationale/analysis.</p>	<p>As above.</p> <p>No change.</p>
CH2: Development in the historic core	NPPF paras 189, 192 CS policy SP19	The Neighbourhood Plan has identified the historic core of Church Fenton, using the evidence base provided by a Historical Environmental Appraisal of Church Fenton which was undertaken by the Design & Conservation Officer at SDC. The boundary shown on the map was not supplied by SDC and only reflects the identified boundary of Character Area 1.	Noted. Further explanation required in the text.	Re-word to make clear the basis of the SDC analysis and conclusions.

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		<p>Any boundaries intended to suggest the limits of potential heritage protection should be avoided until such time as a full heritage assessment has been made. This is because any extent of historic significance could extend further than Character Area 1.</p> <p>The word ‘Special Regard’ should be removed. The term is used within the Planning (Listed Buildings and Conservation Areas) Act 1990 and refers specifically to the legal framework that manages change in the Historic Environment. Therefore any reference to ‘Special Regard’ or ‘Special Attention’ being given to non-designated heritage assets should be removed as it would be confusing. It would, however, be appropriate to reiterate the Act by stating that <i>“Where development affects Listed Buildings, or their setting, a Heritage Impact Assessment should be required to assess what impact such development may have upon the significance of the designated heritage assets”</i>.</p> <p>It is acceptable to include a policy requiring that any proposals within or affecting the setting of the historic core should demonstrate good design which respects the character and appearance of the historic core. However, it is considered onerous and inappropriate to request a Heritage Impact</p>	<p>Noted but disagree. The Plan can be amended at a later date if necessary.</p> <p>Agreed.</p> <p>Noted but disagree. It is the intention to work towards a CA but in the meantime the local designation is intended to ensure no further loss of character. The historic</p>	<p>None</p> <p>Amend as proposed.</p> <p>Consider wording regarding impact assessments for minor developments?</p>

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		Assessment for such developments that are not within the setting of a listed building, given that the historic core has no formal status – it has no designation currently as a Conservation Area, although it is noted that this is a community aspiration.	value of the area has been established through research.	
<b>Flooding</b>				
F1: Development that does not add to flood risk	NPPF paras 155, 157 CS policy SP15	This policy, as currently worded, is not considered to be in conformity. The NPPF makes it clear that development should be directed away from those areas at highest risk of flooding. This is achieved through the application of the sequential test and, where necessary, the exception test. This policy should be re-worded to include reference to both the sequential and exception test, to reflect national policy and Core Strategy policy SP15, instead of introducing a blanket ban on development in Flood Zones 2 & 3.	Noted. Agree to develop words re sequential test and cross reference with Housing policies to ensure consistency.	Amend policy to make reference to sequential test and ensure consistency with H3.
<b>High Speed Rail</b>				
HSR1: Design, community and the landscape		The value of these policies is queried, given that planning permission for HS2 will be granted by the enactment of the Act in Parliament and therefore there won't be an opportunity to influence the decision making process through the Neighbourhood Plan process. As such, it is considered that these policies are trying to control things that are outside the remit of the Neighbourhood Plan and are therefore superfluous.	Comments noted – propose to leave in to test the policies with HS2 and the Examiner. Note HS2 were consulted on these policies elsewhere and were content for them to remain.	None
HSR2: Managing the impact of the development phase				None