

EXAMINER'S REPORT

GRANGE-OVER-SANDS

NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS

The following are the abbreviations used in this examination:

CIL- Community Infrastructure Levy

DPD- Development Plan Document

GOS- Grange-over-Sands

HRA - Habitats Regulation Assessment

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

SLDC – South Lakeland District Council

SEA – Strategic Environmental Assessment

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Grange-Over-Sands Town Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.
2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.
3. The Plan covers the whole of the Parish, which has a population of just over 4,000 persons.
4. I have been appointed by the District Council (SLDC), in consultation with the Town Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute
5. I confirm that I am independent of the Town Council and SLDC and have no interest in any land, which is affected by the Neighbourhood Development Plan.
6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If SLDC puts the plan forward to a referendum and it then receives the support of over

50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted by the Town Council:

The Neighbourhood Plan submission version September 2017 submitted to SLDC under regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

Basic Conditions Statement, November 2017.

Consultation Statement, October 2017.

Strategic Environmental Assessment, Sustainability Appraisal and Habitat Regulations Assessment Initial Screening Opinion for Grange over Sands Neighbourhood Plan, SLDC, March 2017.

Other documents

All documents listed on the SLDC Neighbourhood Plan website which includes technical evidence and all the representations made during the final public participation stage under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

See link: <https://www.southlakeland.gov.uk/planning-and-building/south-lakeland-local-plan/neighbourhood-plans/grange-over-sands-neighbourhood-plan/>

All documents on the Grange-over-Sands Town Council Neighbourhood Plan web page, including the SLDC comments made at the public participation stage under regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

See link: <http://www.grangeoversandstowncouncil.gov.uk/Neighbourhood-Plan.aspx>

Local and National Policies:

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

SLDC Core Strategy adopted in 2010.

SLDC Land Allocations Development Plan Document, adopted 2013.

SLDC Development Management Policies (Draft) 2017.

South Lakeland saved Local Plan policies (adopted 1997, saved in 2006 and updated in 2007 to incorporate modifications).

SLDC (Supplementary Planning Document) Adopted Development Brief for Land South of Allithwaite Road, Kents Bank.

Other documents:

Cumbria County Council Extra Care Housing and Supported Living Strategy 2016 - 2025

SLDC Strategic Housing Market Assessment (SHMA) 2017

Grange-over-Sands Conservation Area Appraisal 2006.

Grange-over-Sands Community Led Plan 2014

Email of 5/4/18 from examiner to Lorayne Wall, Development Strategy Delivery Officer, SLDC and response (including attachment) of the same date. This related to clarification regarding whether SLDC has made comments on the draft Plan prior to the submission under regulation 16 of the Neighbourhood Planning (General) Regulations 2012. The attachment was of SLDC notes of comments to the Town Council, made in October 2017, on the draft Plan, prior to the submission under regulation 16.

Email of 17/4/18 from examiner to Lorayne Wall, Development Strategy Delivery Officer, SLDC and response of same date. This related to clarification regarding Policy 8.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing.

11. I visited the Plan area on the 24th April 2018 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the plan complies with the following procedural matters¹:

The Plan has been prepared and submitted by a qualifying body

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as
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The Plan has been prepared for an area that has been properly designated

The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area

The policies relate to the development and use of land for a designated neighbourhood area.

13. The Town Council is authorised as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

14. The whole parish was formally designated as a Neighbourhood Area by SLDC on 4th December 2012.

15. The Plan states that it relates to the period 2017-2027. There are some inconsistencies in references to the Plan period, which I refer to below in recommendation 1.

16. The Plan does not include any provision about development that is "excluded development"³, such as minerals, waste disposal and major infrastructure projects.

17. I am satisfied that the Plan does not relate to more than one neighbourhood area.

CONSULTATION

18. The Town Council has submitted a Consultation Statement, October 2017, which explains how it has carried out a programme of consultation as the Plan has progressed.

19. The Town Council has through a dedicated Steering Group, carried out a systematic and thorough programme of consultation aimed at residents, various community organisations and the business community.

20. The Consultation Statement identifies initiatives in the early stages of the Plan's preparation from January 2015, building on the 2014 Community Plan, to identify issues of importance to the local community. These efforts included exhibitions and drop-in days widely publicised via leaflets, public notices and adverts in "Grange Now", the monthly newsletter.

21. Effort was made to summarise public feedback in the form of detail on the web site, information leaflets distributed to all parish addresses, displays and information in "Grange Now".

² as determined by Section 61G(2) of the Town and Country Planning Act 1990

³ as defined in Section 61K, of the Town and Country Planning Act 1990

22. This work was bolstered by information gained in surveys in 2013 of the visitors, businesses and schools.

23. The Steering Group made efforts to engage "hard to reach" groups, including seeking specific feedback from the elderly, school children, young adults and the business community. In some cases individual meetings were held with important stakeholders.

24. Steering Group members attended the consultation day on the Allithwaite Road Development Brief and then held a drop-in session on the matter.

25. The formal consultation under regulation 14⁴, was supplemented by a summary booklet distributed to all households and a number of drop-in sessions aimed at explaining policies to the public.

26. In the interests of transparency the public were invited to the steering group meetings and the steering group made regular reports back to the Town Council.

27. In accordance with the Regulations⁵, the Consultation Statement summarises the main issues and concerns raised by the persons consulted, including a summary of responses to the regulation 14 consultation. It describes how these issues and concerns have been considered and, where relevant addressed in the Plan with reference to documents in the appendices.

28. There was appropriate consultation with SLDC throughout the process.

29. I am satisfied that the "Consultation Statement", demonstrates a good level of consultation to meet the requirements of Plan preparation. It demonstrates there was every effort to consult to all sectors of the community and transparency is demonstrated at all stages.

BASIC CONDITIONS

30. It is necessary to decide whether the Neighbourhood Development Plan meets the "basic conditions" specified in the Act⁶. This element of the examination relates to the contents of the Plan.

31. This Plan meets the basic conditions if:

⁴ see the Neighbourhood Planning (General) Regulations 2012

⁵ see the Neighbourhood Planning (General) Regulations 2012

⁶ Contained in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

32. The Town Council has submitted a "Basic Conditions Statement", April 2017, to seek to demonstrate conformity. My analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

33. The Basic Conditions Statement seeks to demonstrate how the plan contributes towards sustainable development. It concentrates appropriately to the three strands of sustainability as referred to in the NPPF i.e. economic, social and environmental. It demonstrates in Table 3.1 how the objectives of the Plan and the related policies fulfill these three main elements of sustainability.

34. In economic terms, it is explained that the policies promote employment provision in the town by seeking to enhance the town centre particularly in the interests of promoting tourism, protecting employment sites and encouraging new employment including home working. It is submitted that the encouragement of non-car modes of transport will boost connectivity increasing the attractiveness and prosperity of the town by reducing congestion and pollution.

35. The social sustainability will also be fostered by improving non-car modes of transport by lessening pollution and encouraging physical exercise. Similarly protection of green spaces will encourage outdoor activity. Proposals to provide for gaps in housing provision for the young and elderly will provide for a more balanced community. Policies aimed at flood protection will have clear environmental benefits.

36. The environment of the town will be enhanced and protected by strong design policies based on the Plan's design guide. The protection of green spaces and important views of the landscape will enhance biodiversity and

protect the landscape character. Sustainable transport policies will reduce carbon emissions.

37. The plan seeks to accommodate limited growth in a manner, which protects the landscape character, ecology and environment of the area whilst promoting the economy and community facilities in the town. It recognises the need for a wider housing mix to serve local needs.

38. I am satisfied the plan addresses the main components of sustainability expressed in the NPPF relating to the economy, social issues and the environment.

EU OBLIGATIONS and HUMAN RIGHTS REQUIREMENTS

39. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directive. This requires the completion of a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) if necessary.

40. These assessments determine whether there are any impacts on environmental sustainability and if the draft Plan is likely to have significant effects on international biodiversity designations (HRA).

41. In March 2017, SLDC prepared a screening report that stated the Plan was not likely to have significant environmental effects and therefore an SEA was not required. This was consulted on with the statutory bodies, namely the Environment Agency, Historic England and Natural England, all of which agreed with this opinion. On 6th October 2017 South Lakeland District Council formally stated that an SEA was not required.

42. The screening determination follows the procedure outlined in Annex 2 of the SEA Directive⁷ and SEA Regulations⁸ and utilizes the various specified criteria to assess environmental impacts.

43. The screening exercise does not highlight the location and precise nature of designated environmental assets. However, I consider it is a proportionate assessment as the policies are orientated towards protection and enhancement of sustainable environmental and community assets. The policies include strong design criteria, landscape protection and promotion of sustainable transport. Furthermore, the policies do not increase the scale of development provided for in the higher-level policies in the SLDC Core Strategy and its Land Allocations Development Plan Document which have both been the subject of an SEA

⁷ European Directive 2001/42/EC

⁸ Environmental Assessment of Plans and Programmes Regulations (2004)

44. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife site protected under European Directives⁹. The screening opinion referred to above also deals with this issue.

45. The screening opinion considers the impact on designated sites within and less than 5 kilometres from the Plan area. These sites include Morecambe Bay, which mainly on account of its estuarine habitats and birdlife is designated as a Site of Special Scientific Interest, Special Protection Area, Special Area of Conservation and Ramsar site. All these designations establish the international importance of the area for biodiversity and conservation¹⁰.

46. An HRA has already been undertaken on the higher level SLDC Plans. The Neighbourhood Plan, together with other plans, does not add any significant development near the designated habitats. The screening opinion makes particular mention of the Lido site, which projects into the Bay. However, it is submitted that the previous HRA on the higher level plans considered there was no significant functional relationship to the biodiversity of the Bay and the area was popular with large numbers of people, which already has an impact. It was concluded that even residential development of the former Lido would not warrant an HRA. The plan under examination does not propose development on the former Lido.

47. I note Natural England has not raised an objection to the screening opinion.

48. I consider the conclusion an HRA is not required is acceptable.

⁹ EU Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

EU Council Directive 2009/147/EC on the Conservation of wild birds

¹⁰

Ramsar sites - Ramsar sites are wetlands of international importance designated under the Ramsar Convention.

Site of Special Scientific Interest (SSSI) - A site identified under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) as an area of special interest by reason of any of its flora, fauna, geological or physiographical features (basically, plants, animals, and natural features relating to the Earth's structure).

Special Area of Conservation (SAC) - Areas designated under the European Union Habitat Directive. They provide increased protection for a variety of wild animals, plants and habitats and are a vital part of the global effort to conserve world biodiversity.

Special Protection Area (SPA) - An area containing an assemblage of breeding populations of rare birds at a level of European significance, designated under EC Directive 79/409

49. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a "fair hearing" the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Neighbour responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

50. The "Basic Conditions Statement" provides an analysis of the manner in which the Plan has regard to national policies and that it is in general conformity with local strategic policies.

51. There is an analysis in table 2.2 illustrating how each policy conforms to various statements within the NPPF. It is also demonstrated in the statement that the Plan pays attention to the underpinning need in the NPPF for sustainable development. This is referenced above in paragraphs 33 to 38.

52. The Plan makes reference where necessary, in the justification sections of the policies, to the relevant aspects of the NPPF. In particular the criteria for designation of green space are explicitly adhered to.

53. I have noted below in a number of my recommendations there is a need for the Plan and its policies to be clearer and more precise to allow effective implementation and guidance. This is necessary in order to comply with NPPF guidance in paragraph 154 that;

" Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan."

54. The Basic Conditions statement also exemplifies in table 4.1 how the Plan is in general conformity with the SLDC strategic policies in the Core Strategy. I am content that this analysis is restricted to the Core Strategy and does not include other Local Plan policies, as these are the strategic policies of relevance. Whilst the Basic Conditions Statement does not analyse the relationship with other aspects of the Local Plan I am satisfied the Plan does not conflict with the Local Plan Allocations Development Plans Document, 2013 or the saved policies in the Local Plan, 2006.

55. The Plan has explicit reference to national and local policy. Each section of the Plan containing policies highlights relevant "Higher Level Policies" which reference the relevant NPPF and Core Strategy policies. Where necessary, as in the case of housing, there is an analysis of the higher-level policy and its relationship to the proposed policy in appropriate detail.

56. I am satisfied that, subject to my modifications, the Plan has had regard to national policies and is in basic conformity with strategic policies.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

General

57.I have made recommendations below in order that the Plan may conform to "basic conditions". Where I am suggesting modifications I have given reasons.

58.I have taken into account all the representations received during the Plan process. In most cases I have considered that these do not require specific reference as they do not relate to the need to conform to "basic conditions" or are covered by other references. In some cases, due to the specific and detailed nature of a particular representation and its relevance to "basic conditions", for ease of reference, I have referred to the author of a representation by name.

59.I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements. In particular I would highlight a number of comments about traffic management and works to improve roads which are essentially not land use planning matters which can form policies but, nevertheless, are important linked items to the wider community aspirations referred to in the plan.

60.I have not commented on the text relating to community aspirations unless there is a need to make it explicit that these are separate from planning policies.

INTRODUCTION

61.There are discrepancies in references to the plan period. In paragraph 1.2 the plan period is referred to as 2016-2025, on the cover of the plan it is 2017-2027, in paragraph 1.8 of the Basic Conditions Statement it is 2015-2027. Furthermore, on documents forwarded to statutory and non-statutory consultees, referred to in the appendices E and G of the Consultation Statement, it is 2017-2027.

62.The references in the Plan document to the plan period should be consistent. The consultation under regulation 16 appears to have been based on the period 2017-2027 as indicated on the front cover and consultation documentation and is therefore the most appropriate reference.

RECOMMENDATION 1

The reference to the plan period should be altered to "2017-2027" in paragraphs 1.2 of the Plan and 1.8 of the Basic Conditions Statement.

LOCAL INFRASTRUCTURE

63.Paragraph 3.1.3 refers to residential development on sites shown on Proposals Map GOS Map 3. It should be made clear that these are the allocations made in the SLDC Local Plan Land Allocations DPD 2013 and that some of them are mixed use allocations. Furthermore, it is selective to only refer to the need to conform to the Design Guide and the reference to "community needs" is ambiguous in this context. It is clearer if there is a reference to the need to conform to other statutory and neighbourhood plan policies.

64.The Environment Agency has noted some inaccuracies in the flood zone information, which need to be corrected.

RECOMMENDATION 2

Alter paragraph 3.1.3 as follows:

" This Neighbourhood Plan supports residential and mixed use development on the sites specified in the SLDC Land Allocations DPD (adopted in 2013). These are set out in Table 3 and Proposals Map GOS Map 3. Development of these sites must conform to other statutory policies and those in this Plan.

Alter title to GOS map 3 to "Residential and Mixed Use Development Sites allocated in the SLDC Land Allocations DPD (adopted in 2013)".

Amend the key and notations to differentiate between residential and mixed-use sites.

Show in the key those sites that are mixed use allocations.

In paragraph 3.2.8 after "identified" insert "in the SLDC Land Allocations DPD, see GOS map 3"

Replace paragraph 3.5.1 with the following paragraphs, as follows:

"Grange-Over-Sands lies mainly within Flood Zone 1 (low probability of tidal and fluvial flooding) as defined in the Environment Agency's Flood Map. Smaller areas are within Flood Zones 2 and 3 (i.e. medium and high probability of fluvial and tidal flooding).

In addition, some areas are vulnerable to flooding caused by surface water, ground water, springs and drainage issues during times of heavy rainfall."

In paragraph 3.5.2 after "Shoreline Management Plans", insert "(SMP's)"

POLICIES

Transport and Accessibility

65. This policy is based on substantive evidence from public consultation that there is a need to encourage alternative modes of transport to the car.

66. In paragraph 5.1.9 there is reference to including community aspirations in the "body of the policy" text on the understanding these are aspirations and not part of the policy. This is confusing as the aspirations are not in the text boxes containing the policies but are in separate text boxes relating to objectives. It is necessary to avoid this confusion.

67. The first sentence of the policy 1 is cumbersome in its reference to a range of development. This should be simplified in the interests of clarity.

68. The reference to "support for a more pedestrian and cycle friendly neighbourhood" is too vague for inclusion as part of the policy. The need to provide cycling facilities and footpaths is adequately covered in the first bullet point.

69. The inclusion of cycle parking in this policy is appropriate as below I have suggested its deletion from policy 2.

70. Policy 2 relates to the improvement of public transport infrastructure including cycle parking at railway stations and improvement of bus shelters, which are normally works not requiring planning permission. These are matters connected with financial investment by statutory undertakers and should be a part of the community aspirations. The desire to direct CIL monies to this purpose can nevertheless form part of policy. There should also be reference to general planning obligations negotiated under section 106 of the Town and Country Planning Act 1990.

71. The reference to public transport infrastructure in the title is inadequate, as this term does not include cycling and associated infrastructure. I therefore recommend including a separate reference to cycling in the title.

RECOMMENDATION 3

Amend the second sentence in paragraph 5.1.9 as follows:

"These formed parts of the objectives but it is recognised that they cannot form formal policies in this Plan, which have to be directly related to land use issues."

Alter title of policy 1 to “Public Transport and Cycle Links in New Developments”.

In the first sentence of policy 1 delete “for new housing, employment, retail, community or leisure use, or for any other development”.

Delete the bullet point “ support for a more pedestrian and cycle friendly neighbourhood ”.

Include the following as a new bullet point:

“ provision of cycle parking”

Reword the title to Policy 2 as “ Public Transport and Cycling infrastructure”.

Reword Policy 2 as follows:

“ Developer contributions, in the form of planning obligations or CIL funding, will be used to fund improvements to public transport and cycling infrastructure”

Introduce a new Community Aspiration as follows:

“Development proposals to improve public transport infrastructure will be strongly supported. In particular, there will be support for the following improvements:

- **Improvements to and provision of additional cycle parking facilities at both Grange-over-Sands and Kents Bank railway stations.**
- **Improvements to bus shelters.”**

Economy

72. Policy 3 is based on the Core Strategy objective of promoting the town as a Key Service Centre. The context of the strategic development plan policies should be explained in more detail in the justification section in order to give more clarity to the policy and the matters to which it relates.

73. The policy seeks to prioritise employment for “local people” and “small start-up businesses” which is understood but not able to be specifically controlled under planning permissions. These references should therefore be deleted from the policy.

74. There should be clarification that the policy relates to business development as defined in the Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987. The term business can be interpreted as referring to retail and other uses which raise different strategic policy issues.

75. The qualification that any development should not harm living conditions or create traffic hazards should relate to the expansion of businesses as well as new development in the interests of consistency and conformity with the core planning principles in paragraph 17 of the NPPF.

RECOMMENDATION 4

Retitle the policy as "BUSINESS DEVELOPMENT".

Reword Policy 3 as follows; include the following as an opening paragraph

"This policy relates to all business proposals including Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987 and any subsequent amendments. It does not refer to main town centre uses as defined in the NPPF (see Glossary in Appendix 3).

Proposals will be supported that provide new business development and enable the expansion and retention of existing local businesses provided this conforms to other statutory planning policies and does not harm living conditions or present a hazard to highway safety."

Add the following to the Glossary:

"Main Town centre uses are :Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and

pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Also replace in the Glossary the definition of Class B1, B2 and B8 as described in the Use Classes order as follows:

B1

a) Office other than a use within Class A2

b) Research and development of products or processes

c) For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)

B2- Industrial process other than that falling within Class B1

B8- Use as storage or distribution centre."

In the Justification section insert a new first paragraph 5.7.1 (and retain and renumber the rest) as follows:

“ This policy relates to business and industrial development as defined in the Town and Country Planning (Use Classes) Order 1987 and not retail and other uses, which are defined as town centre uses in the NPPF and are uses more appropriate to the town centre. These are defined in the glossary in Appendix 3. The Core Strategy and SLDC Land Allocations DPD (*adjust footnotes*) provide policies relating to these other employment related uses.”

Environment

Local Green Space

76. Policy 4 identifies two areas of green space that are valued by the community and merit protection from development that would erode their character and value to the community. The justification section and appendix 5 provides ample justification for these designations in accordance with the criteria identified in the NPPF.¹¹ The extent of evidence referred to in the Plan is rather unbalanced with considerably more in relation to the land south of Allithwaite Road than “land around the library”. However, I consider the historical use of the “land around the library” by the community and its size and location provide sufficient justification of its value and status as green space.

77. The SLDC Land Allocations DPD in policies 1.9 and 1.10 provides protection for green spaces either as gaps between settlements, public open space, private amenity open space or outdoor sports facilities. In paragraph 5.8.6, there is reference to Appendix 7, which contains a list of green spaces identified by the public in the consultation exercise on the Plan. It is stated that the majority of these sites are protected by the SLDC policies and it is implied therefore that they do not warrant further designation in this Plan. This is potentially confusing as the list in Appendix 7 is not a full reflection of the SLDC allocations. I therefore recommend Appendix 7 is deleted and the reference in paragraph 5.8.6 adjusted appropriately. It is not necessary to repeat all the sites put forward by the public in the Plan document. This appendix and a brief explanation of why these sites were not included in the Plan could be added to Appendix H of the Consultation Statement, which analyses comments from the public.

78. Policy 4 should be altered to include very special circumstances whereby development may be justified on these spaces. This is necessary

¹¹ See paragraph 77 of the NPPF

to comply with the NPPF advice that similar policies should apply to these areas as to the green belt. Such very special circumstances may include proposals for essential public utility infrastructure, which cannot be located elsewhere or development when it can be proven the benefit to the community clearly outweighs the loss or damage to the green space.

79. I note the area of the Allithwaite Road green space is broadly compatible with the indicative area shown as open space in the Development Brief, which is an adopted supplementary planning document. In this respect I am satisfied that this designation complies with the basic conditions as this is not a strategic policy nor is there an appreciable difference in the areas.

80. The aerial photo boundary of the site refers to the wider development site and is different to the boundary on the map of the green space. This is confusing and the distinction between the two areas should be made clearer in the title to the photo.

81. Policy 5 is concerned with the Conservation of Ornamental Planting and is in accordance with advice in the NPPF, which encourages planning policies that help to retain local distinctiveness.¹²

82. The policy refers both to the conservation area and the town centre, which is confusing. The conservation area is the relevant designation in relation to this policy, which is concerned with the protection and enhancement of traditional forms of planting.

83. Policy 6 "Conserving Gateway Views" is justified on the basis of the community's views and the value of the landscape to tourism. The photographs in the Plan highlight the unique landscape character of the area. My site visit confirmed this evidence.

84. The policy requires more precision in relation to the type of development, which may be unacceptable. The term "loss or diminution" of these gateway views is vague and to an extent subjective and requires further elaboration. Some unobtrusive development within these views may be acceptable. The policy is essentially concerned with maintaining the landscape character and preventing development that is intrusive. This needs to be made clearer.

¹² See paragraph 60 of the NPPF

85. Policy 7 Conservation of Dry Stone Walls also helps to justify local distinctiveness, preserve the landscape character and provide habitats for wildlife.

86. However, the wording of the policy is rather cumbersome with some repetition. The policy is rather inflexible and could be interpreted in some cases as preventing development essential to the rural area such as agricultural improvement. I consider that in the spirit of the NPPF¹³ the policy needs to be less prescriptive and have the flexibility in some circumstances to accommodate essential agricultural development.

87. It is not necessary for the policy to clarify it relates to development which is permitted.

RECOMMENDATION 5

In paragraph 5.8.6 delete the second sentence i.e. "These are included as appendix 7".

Delete Appendix 7 and include it in the Consultation Statement, Appendix H accompanied by the following:

"A large number of green spaces were identified by the community and the Steering Group that are important to the community for their wildlife, tranquility and recreational value. These are included as an Appendix (*reference as appropriate*). These green spaces were not designated in the Plan as they either have a national designation, were not considered to meet the criteria in the NPPF or come under policies within the SLDC Land Allocations DPD 2013. It is therefore not necessary or appropriate, to designate in this Plan."

In the third sentence of paragraph 5.8.6 after "SLDC" insert "Land Allocations DPD 2012."

Insert a new final sentence in paragraph 5.8.6 as follows:

"It was considered appropriate to designate two further green spaces in this Plan"

Amend Policy 4 by adding the following to the end of the final sentence in the Policy:

¹³ see paragraph 59 of the NPPF

“ or it can be demonstrated that there are very special circumstances that outweigh the loss or damage to the green space.”

Separate the aerial photo of the Allithwaite Road site from the map and title it “Allithwaite Road Development Brief Site”.

In paragraph 5.11.5 alter “scare’ to “scarce’.

In policy 5 delete “in the town centre”.

There are two paragraphs numbered 5.12.1. Renumber the paragraphs as appropriate.

In paragraph 5.12.5 delete “of the town centre”.

In policy 6 after ‘diminution’ insert ‘from intrusive development’

Reword Policy 7 as follows:

- **Development that results in significant loss of dry-stone walls will be resisted unless it can be demonstrated it is necessary to provide essential facilities for agricultural or other use appropriate to the rural area. In some cases it may be possible to overcome these concerns by mitigation measures including the provision of new dry-stone walls that relate to the landscape character.**
- **Development that provides new dry-stone walls will be encouraged subject to conformity with other statutory planning policies.**

Housing

88. Policy 8 relates to “Market housing Mix” and specifies that 40-45% of housing on development of more than 25 dwellings should be one or two-bed bungalows or houses.

89. I am satisfied that this policy is properly evidenced. The need for one and two-bed accommodation and the 40-45% threshold figure is founded on evidence from population projections based on the 2011 Census, a survey of local estate agents in Appendix 6 and the Strategic Housing Market Assessment October 2017 (SHMA).

90. Regarding the concerns from the Brookhouse Group that the specification of the percentage thresholds is too prescriptive, I consider

the evidence in the recent SHMA 2017 is very relevant and relatively specific in regard to the thresholds. Furthermore, the policy has the scope to allow consideration of fresh evidence, which provides adequate flexibility.

91. During the examination the Town Council clarified a discrepancy in the percentage figure referred to in the Plan paragraph 5.16.13 and the policy 8. It was confirmed that the correct figure is 40-45%.

92. In paragraph 5.16.13 in relation to the example of the operation of the policy it is stated "with at least five of these being one-bed properties." On the basis of the policy 8 as written there does not appear to be a justification for specifying a number of either one or two-bed properties so I recommend deleting this reference.

93. The policy includes a reference to the emerging SHMA, which is unnecessary as it is referred to in the justification. Furthermore, at some stage in the future it will be superseded. There is a footnote reference 22 on page 37 to the SHMA as "emerging" which is now wrong as the final report was issued in October 2017.

94. There is unnecessary repetition in the first and final bullet points of the policy regarding the need to support any deviance from the specified housing mix. This should be corrected.

95. The policy refers to the need to comply with the Building Regulations regarding adaptable homes. It is not possible to require compliance with the building regulations legislation in a neighbourhood plan. However, it is appropriate to refer to the need for design to be inclusive and seek to maximize access opportunities for everyone, as explained in national planning policy guidance.¹⁴

96. I am satisfied that the discouragement of flat development is based on proportionate evidence from local estate agents in appendix 6 and that there is reasonable scope to challenge this at any time with the submission of evidence.

97. Policy 9 "Extra Care Housing Provision" designates part of the mixed use Berners Pool site for extra care housing. I am satisfied that this is based on adequate evidence based on the public's comments, the Cumbria County Council Extra Care Housing and Supported Living Strategy 2016 - 2025 and the various demographic information referred

¹⁴ See NPPG Paragraph: 012 Reference ID: 26-012-20140306

to. Furthermore, as explained in the Justification section the site is ideally located close to services and particularly suitable for this type of accommodation.

98.The wording in the Policy requires attention in order to make it clearer. The use of the term “priority” is open to interpretation and it would be clearer to use “preferred”, as this indicates the flexibility appropriate to a mixed-use allocation in accordance with the SLDC land Allocations DPD. The process for demonstrating an exception to the policy should be made explicit in the Justification section.

99.There should also be a more explicit reference to the definition of extra care housing. The definition in the Glossary is acceptable.

100.I note Network Rail has commented that no use of the Bathing Pool Level Crossing adjacent to the Berners Pool site can be made in relation to any development.. The Plan policy is building on an existing residential allocation in the adopted SLDC Land Allocations DPD. This issue will be considered as part of the detail of a planning application and does not negate the policy as proposed.

101.I accept the point made by the Brookhouse Group that given the acute need for extra care housing, in the interests of consistency and clarity the policy should encourage the provision of extra care housing on other residential sites but only in cases where they have satisfactory links to services and represent sustainable development.

102.Policy 10 General Design of Residential Development is clear and justified and provides a good basis for achieving locally distinctive design in accordance with the recommendations in the NPPF. It achieves the correct balance as recommended in the NPPF between clarity whilst allowing flexibility for innovation and not being over prescriptive. The reference in the second bullet , fourth criteria, to encouraging a “varied appearance” is vague and potentially confusing. This should be removed.

103.The Design Guide is an important reference for the policy. There are some modifications required in order to make the guide less prescriptive and clearer in respect of some guidance. Some of these modifications are clearly for more precision in the wording and do not require any elaboration. I have taken into account some of the points raised by the architect in the Brookhouse Group representation.

104.Principles 3 and 4 refer to the need to complement the character and quality of the historic core. This is too prescriptive for development not

within the historic core and the design principle should refer to the immediate context of any particular development.

105.The supporting text to Principle 5 in paragraph 3.5 refers to the town centre when it should refer to the Conservation Area.

106.Principles 8 and 9 need to cross-refer to the Plan policy 6 Conserving Gateway Views.

107.Principle 10 relating to the provision of public space(s) should relate to all development where possible not just residential development.

108.In the Design Principles relating to Main Street / Lower Town there is reference in point 3 to the submission of a Design and Access Statement. There are only a limited number of types of development proposal where this is required ¹⁵ which needs to be reflected in the guidance.

109.The Environment Agency has made pertinent comments about Community Aspiration 3 in relation to flooding procedures and advice. Whilst technically the community aspirations are outside the scope of this examination I do advocate that the Environment Agency comments are incorporated into the text.

RECOMMENDATION 6

In paragraph 5.16.13 delete “35%’ replace with “40%” and delete “with at least five of these being one-bed properties”.

In Policy 8 delete “in line with the emerging SLDC SHMA”.

In Policy 8 after “evidence”, insert “through a local needs housing survey or an updated SLDC Strategic Housing Market Assessment”.

Delete the second and fourth bullet points from Policy 8.

Add a new bullet point as follows;

““The design and layout of new housing should be inclusive and maximize access opportunities for all the community, particularly disabled people, older people and families with small children”

In the footnote reference 22 on page 37 delete “emerging”.

¹⁵ See NPPG Paragraph: 030 Reference ID: 14-030-20140306

In paragraph 5.17.6 delete "Policy 8", insert "policy 9".

Reword Policy 9 as follows:

"The preferred use for the Berners Pool Mixed Use Site, as allocated in the SLDC Land Allocations DPD 2013, and shown on GOS map 9 shall be for Extra Care Housing (as defined in the Glossary on page 50), subject to viability considerations. Extra Care Housing is also encouraged on other sites that are considered appropriate for residential development and provide acceptable links to services and infrastructure."

In Policy 10 in the second bullet, fourth criteria, remove "have a varied appearance".

Recommendations on the Design Guide:

The key to Map 2 should refer to the purple boundary as the conservation area.

In Principles 3 and 4 delete "of the historic core of Grange-Over-Sands" and replace with "its immediate context".

In the second paragraph of section 3.5 delete "town centre" and replace with "conservation area".

Add the following paragraph to the supporting text to Principles 8 and 9:

" It is particularly necessary to have regard to the Neighbourhood Plan Policy 6 Conserving Gateway Views which highlights certain views of particular importance."

In the supporting text to Policy 9, 3.9 second paragraph after "enhanced" insert " or adequately mitigated"

In Principle 10 delete "residential" and after "proposals" insert "where possible".

In the Design Principles relating to Main Street / Lower Town in section 4.1, point 3 immediately after "Design and Access Statements insert "if required".

In Part 2 paragraph 1.1 after "This guide does not seek to replace" insert "but supplement".

In paragraph 5.19.1 delete existing text and replace with the following:

“

The NPPF seeks to discourage development in areas where there is a high risk of flooding. It encourages a sequential approach to new development and flood risk. Where development in flood risk areas is exceptionally justified following application of the sequential and exception tests, then mitigation measures will be incorporated to ensure development is safe from flooding without increasing flood risk elsewhere.

Development in flood risk areas should be accompanied by a flood risk assessment in accordance with the requirements of the NPPF.”

Alter paragraphs 5.19.5 and 5.19.6 as follows:

“ 5.19.5 There are few open channels here and the railway embankment provides an estimated 1 in 200 year annual probability standard of protection against tidal flooding. Consequently, an area of land on the landward side of the embankment is defined as Flood Zone 3 (high risk of tidal flooding) and in an area benefitting from defences (ABD).

Localised drainage issues have been identified at Cart Lane, where flooding from a small watercourse is believed to be related to a submerged flap valve on a pipe which discharges at the coast.

5.19.6 The Town Council will continue to seek solutions to localised flooding in line with national and Local Policy as well as National Flood Guidance.”

SUMMARY

110.I have completed an independent examination of the Neighbourhood Development Plan.

111.The Town Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

112.I have recommended modifications to the policies in order to satisfy

the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the National Planning Policy Framework and local development plans policies.

113. Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

114. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

115. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

116. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

117. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by the South Lakeland District Council.

118. I am therefore pleased to recommend that the Grange-Over-Sands Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum.

