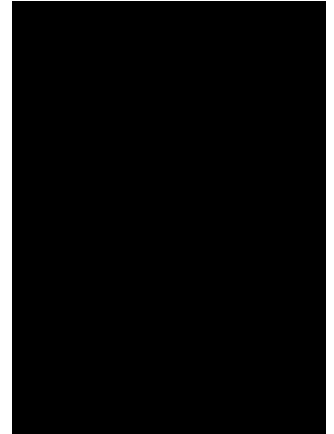


12<sup>th</sup> February 2021

Planning Policy Team  
Selby District Council  
The Civic Centre  
Doncaster Road  
Selby  
YO8 9FT



Dear Sir or Madam,

**Re: Regulation 16 Consultation on Church Fenton Neighbourhood Plan.**

We refer to the above document and the consultation upon its contents. Please accept this letter as our response to the Regulation 16 consultation. We have previously made representations on the Neighbourhood Plan.

The Church Fenton Neighbourhood Plan is accompanied by Basic Conditions Statement, Consultation Statement, and SEA Statement.

Generally, with regard to Plan Making including Neighbourhood Plans the NPPF states at paragraph 18 that: *'Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.'*

Paragraph 28 of the National Planning Policy Framework (NPPF) states that: *'Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.'*

Paragraph 29 of the NPPF states that: *'Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should*

*not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.’* Footnote 16 clarifies with regard to this paragraph that *‘Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.’*

Paragraph 37 of the NPPF 2019 states that: *‘Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.’* Footnote 21 to this paragraph defines other legal requirements as those *‘set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).’*

Paragraph 8 Schedule 4B to the Town and Country Planning Act 1990 (as amended) subparagraph 2 provides for the Basic Conditions to which a Neighbourhood Plan are to be tested against which can be summarised as:

- Is the Plan appropriate having ‘regard to’ national policies and advice contained in guidance issued by the Secretary of State?
- Does the Plan contribute to the achievement of sustainable development?
- Is the Plan in general conformity with the strategic policies contained in the development plan for the Dover District Council area?
- The plan should not breach, and should otherwise be compatible with, EU obligations.

The Basic Conditions Statement submitted with the Church Fenton Neighbourhood Plan details how Church Fenton Parish Council consider they have met the above tests; however, we have the following comments to make to the contrary:

We consider that there are fundamental issues with the overall housing strategy. There are also a number of policies within the Neighbourhood Plan that simply do not comply with the principles of the sustainable development and run contrary to the NPPF to such an extent that as currently drafted the Neighbourhood Plan cannot meet the first two basic conditions.

### **Housing Strategy**

The submission Neighbourhood Plan does not allocate land for housing, nor does it consider what the local housing need is. However, the current Development Plan for the District was adopted more than five years ago. The District Council are currently consulting upon the Preferred Options for the emerging Local Plan that will replace the Core Strategy Local Plan and those policies of the Selby District Local Plan that were saved by

direction. It is difficult to comprehend how the Neighbourhood Plan can be brought forward without an up-to-date set of Strategic Policies.

The Neighbourhood Plan also does not comply with the current adopted Core Strategy Local Plan in terms of the Spatial Strategy. Church Fenton is a Designated Service Village as defined by policy SP2 of the Core Strategy Local Plan where there is scope for additional Residential Development, and the Neighbourhood Plan does not recognize this instead imposing a limitation on the scale of residential development beyond the adopted plan. Further the Emerging Local Plan designates Church Fenton as a tier 2 village under preferred option policy SG2. The limitation is difficult to comprehend particularly when considered in the context of the District Councils preferred options Local Plan that allocates housing sites far in excess of 10 dwellings within comparable tier 2 village settlements.

## **Policy**

There are a number of concerns with the policies within the submission Neighbourhood Plan as follows:

- Policy H1 seeks to restrict housing development to small scale, which is defined as under 10 dwellings. We do not consider that there is adequate justification for such a limitation. The currently adopted policy designates Church Fenton as a designated service village without such limitations. The Emerging Local Plan at the preferred options stage does likewise. Such a restriction on the scale of development is at odds with the currently adopted policy, the emerging Local Plan and runs contrary to the principle of the Framework including the need to significantly boost the supply of housing.
- Policy H3 part (a) then contradicts policy H1 by referring to appropriate scale development on greenfield sites.
- The Neighbourhood Plan includes important views of the village centred around St Mary's Church and policy H3 part (e) seeks to ensure that development respects and maintains these views however the policy fails to take account of the fact that Outline Planning Permission for 50 dwellings has been granted (2015/0615/OUT) and the Reserved Matters (2017/0736/REMM) is currently at appeal. Views 1 and 2 look across the developable area of the proposed residential development. We have made representations previously that such views should be from public vantage points, not private ones. These matters have not been satisfactorily addressed by the submission version of the Neighbourhood Plan.
- Notwithstanding the lack of evidence to identify the non-designated heritage assets Policy CH1 introduces a policy test for those identified non designated heritage assets that do not comply with

paragraph 197 of the Framework which requires *'a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.'*

## **Conclusion**

We consider that there are fundamental issues with the housing strategy. The Neighbourhood Plan is based upon out of date Strategy policies that are subject to change via the emerging Local Plan. Policy H1 does not comply with the requirements of the NPPF or indeed the presumption in favour of sustainable development. Policy H3 (e) does not take account of the grant of Outline Planning Permission and the current Reserved Matters appeal at land south of Main Street, Church Fenton. Policy CH1 does not comply with paragraph 197 of the Framework.

In the context of the above commentary, we do not consider that Church Fenton Neighbourhood Plan meets the basic conditions and we urge the Council and/or the Independent Examiner to reconsider the compliance with the NPPF and therefore the basic conditions test of the Church Fenton Neighbourhood Plan. We request that we are kept informed of the examination of Church Fenton Neighbourhood Plan.

If you need any further information or wish to discuss matters further, then please do not hesitate to contact me at this office.

Yours Sincerely,

