



18 March 2021

Dear Andrew

**Re: Church Fenton Neighbourhood Plan - Examiners Clarification Note**

Thank you for your email dated 4 March 2021 which included your clarification note. The Council's responses to your questions are set out below.

Local Plan Timetable

I can confirm that the Council are continuing to work to the timetable for the production of the Local Plan, as set out in the 7<sup>th</sup> Local Development Scheme (2019-2023)

Land south of Main Street (ref. 2017/0736/REMM)

The Planning Inspectorate have confirmed that a decision on the appeal at the above site in Church Fenton is expected to be issued on or before 24 March 2021. I will ensure that you are informed of the decision.

Please contact Clare Dickinson [REDACTED] to discuss any of these comments in greater detail.

Kind regards

Clare Dickinson  
Principal Planning Policy Officer

Neighbourhood Plan policy	Relevant NPPF / Core Strategy policies	SDC view
<b>Housing</b>		
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 <a href="#">here</a> .
H1: Type, size and scale	NPPF paras 61, 62, 65 CS policies SP4, SP5, SP8, SP9	<p>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.</p> <p>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. 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.</p> <p>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. Furthermore, it is identified as a Tier 2 Village in the emerging Local Plan (Local Plan Preferred Options, January 2021) and the preferred spatial approach states that allocations will be made in these settlements of an appropriate scale reflecting the settlement's role in the hierarchy. To restrict housing developments to less than 10 dwellings is not reflective of the settlement's role in the settlement hierarchy.</p> <p>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.</p> <p>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</p>

		<p>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.</p> <p>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 no allocations have been made and there is no detail of how this will be delivered.</p>
H2: Design Principles	NPPF paras 124, 125, 126 & 127 CS policy SP19	<p>Policy H2 is considered to be in general conformity with policy, subject to the following point:</p> <p>Part a) is considered to be unnecessarily prescriptive in requiring that dwellings should be one or two storeys with gardens.</p>
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. However, we would query whether all of the views are from publicly-accessible places, as they don't seem to necessarily tie in with adopted Public Rights of Way.
Church Fenton Airbase		<p>We note that the text on page 19 states that: “The plan seeks to ensure that any development on the Church Fenton Airbase takes into consideration the design principles and other policies set out in this Plan”.</p> <p>The majority of Church Fenton Airbase is located within neighbouring Ulleskelf Parish. Neighbourhood Plan policies can't relate to land which lies beyond the parish boundary.</p>
<b>Amenities and Services</b>		
AS1: Valuing community facilities	NPPF para 83 CS policy SP12	This policy is supported
AS2: New community facilities	NPPF para 83 CS policy SP12	This policy is supported
<b>Business and Economy</b>		
BE1: Supporting the small economy	NPPF para 83, 84 CS policy SP2	This policy is supported
BE2: Farm diversification	NPPF para 83	This policy is supported

	CS policy SP13	
<b>Environment and Green Spaces</b>		
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	<p>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.</p> <p>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?</p> <p>SDC generally 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)</p> <p>Furthermore, the inclusion of an extensive tract of land to the east of the church (Church Field) is queried. The owner of this land has previously been in contact with the Council to ask why their land is included as it is agricultural land with no recreational value to the local community. SDC suggested as part of Reg 14 consultation that this should be removed from the Local Green Space designation.</p>
EGS2: Protecting biodiversity & habitats	NPPF para 170 CS policy SP18	This policy is supported
EGS3: Green corridors	NPPF para 91 CS policy SP12 SDLP policy SG1	<p>Policy EGS3 and maps 5, 9 and 10 refer to the designated Strategic Countryside Gap as the Church Fenton Green Gap.</p> <p>Church Fenton Strategic Countryside Gap is defined 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.</p>

		The policy needs to reflect saved Selby District Local Plan policy SG1.
<b>Conservation and Heritage</b>		
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 supported
<b>Flooding</b>		
F1: Development that does not add to flood risk	NPPF paras 155, 157 CS policy SP15	This policy is supported
<b>High Speed Rail</b>		
HSR1: Design, community and the landscape		These policies are noted.
HSR2: Managing the impact of the development phase		