



A summary of the representations submitted to the independent examiner

NAME	SUMMARY OF REPRESENTATION
Forestry Commission	The Forestry Commission is not in a position to input into the consultation process for Local Plans. However, they provided information to assist in assessing the appropriateness of sites for future development, and to highlight opportunities for achieving renewable energy obligations.
Natural England	No specific comments
Sport England	It is essential that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in protecting playing fields and the presumption against the loss of playing field land.
P Brookesby	<p>The plan is well-constructed for the benefit of the community of Church Fenton and its wildlife. Would like to see a little more emphasis on tree planting and the extension of woodland in line with Government plans. Sites suitable for new woodland could be the area to the south of St Mary's Church – with sensitive planting this wouldn't obstruct views to the Church and would reduce the risk of flooding for houses around Main Street and Nanny Lane.</p> <p>Presume the document will be updated to reflect the fact that we now do have 2 viable public houses, one with a highly acclaimed restaurant.</p>
C Poulter	A small light industrial site is located at willow farm, comprising three units, currently used as a vehicle repair workshop (Van & Car North Yorkshire), a warehouse (Countrywear Direct/ Classic Millinery) and stores/office (Wildlife Habitat protection Trust). The site currently supports 7 local jobs
J Wilkinson	I bought about half an acre of land at the back of my house. The use of this area of land was changed from "Agriculture" to "Domestic Curtilage" on 7th August 2009 in decision number 2009/0680/COU (8/62/233/PA). Maps 6 and 10 correctly show this area included as part of Heathcote. Map 2 in section 4.1.2 does not. This inconsistency should be corrected on map 2. I have no other comments about the plan and support it's adoption.

Shire Group of Internal Drainage Boards	All developments planning work in, on, under or near ordinary watercourses (including piped ordinary watercourses), or discharging surface water into a watercourse within the defined Drainage District require CONSENT from the Board under the Land Drainage Act 1991 (as amended) in addition to, or as part of, any Planning Permission.
Anonymous	This is the worst consultation form ever. How does this meet government plain English guidelines? Please revise and do better. Make it user friendly please.
R Gee	The draft plan makes no reference to Church Fenton’s existing, published ‘Development Limits’. The plan should include a statement that these will continue to be respected in the future. Furthermore, a map of these limits should be included.
R Walls	2 acres of Fenton Trans is now designated as a SINC and should be included on the plan when finalised.
North Yorkshire Police	<p>Whilst it is acknowledged that Policy H2 of the draft Neighbourhood Plan makes reference to the Church Fenton Village Design Statement – Feb 2012, which does include some advice to developers in relation to crime prevention in Appendix B, there are no specific policies in the plan relating to Designing Out Crime.</p> <p>It is accepted that any planning application would be subject of policies in the National Planning Policy Framework (NPPF) and Local Authority Plan, which include policies around the prevention of crime and disorder and ensuring that any new developments are safe for all users. This does not preclude the Neighbourhood Plan from containing a policy in relation to Designing Out Crime and therefore consideration could be given to including such a policy or incorporating wording into an existing policy, such as Policy H2: Design principles. An example of suitable wording would be: “Proposals will be expected to demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime and how this will be achieved. “ It is worth noting that other neighbourhoods within North Yorkshire have adopted this approach and included a section within a specific policy to cover this aspect of the design and layout of a development.</p> <p>It is also noted that Policy H1: Type, size and scale includes the following statement: “New housing developments should be: b) Not overwhelm their surroundings but rather integrate with their immediate neighbouring properties and landscape in terms of: v. Non-vehicular links, including new public rights of way linking the development to other parts of the village and the surrounding countryside, where practicable.” In terms of Designing Out Crime the creation of additional links into a site can provide an offender with further access points/escape routes, which can undermine the security of a scheme. Therefore, I would suggest that consideration be given to rewording the above policy to ensure that any new links do not create unnecessary or excessive permeability</p>
Yorkshire Wildlife Trust	Wildlife and nature is a strong theme running through the plan and are pleased to see three policies devoted to the environment and green space. The plan is thorough and it is clear that natural habitats are valued by the community. This could be further reflected by including access to, and space for nature in vision at Section 3.1 of the Plan.

	<p>In the objectives of the Plan, we support the importance of working with neighbours. It is essential that the Plan does not operate in isolation, but works collaboratively with neighbouring Plans to maintain connectivity of habitats across the landscape.</p> <p>With regard to Policy H2 (Design Principles), we would advise that boundary treatment should be hedgerows of native species. Any hard boundary features such as walls and fences should include gaps to maintain habitat connectivity for hedgehogs and other wildlife.</p> <p>In Policy H2 (c) we are encouraged by the commitment to support design that reduces waste, cuts carbon emissions and builds in biodiversity.</p> <p>With regard to Policy H3 (a), it should be noted that brownfield sites can be rich in biodiversity and therefore sites should be assessed on their own merits and always on the basis of appropriate ecological information. Therefore, it is essential that baseline surveys are undertaken prior to any detailed proposals and taken into account throughout the planning process. This is also relevant to Policy BE2 (Conversion of farm buildings to residential dwellings). Such conversions have the potential to impact on fauna which make use of buildings such as bats, swallows and barn owl and therefore should be subject to survey prior to any planning application, to ensure that impacts can be avoided and mitigated where appropriate (in line with the mitigation hierarchy).</p> <p>With regard to access to green space we are encouraged to see reference to published guidance in terms of the required amount of green space within proximity to homes and a number of local green spaces. It is well established through research that contact with wildlife and the wild places yields benefits, for example, after spending five to six hours outside every week, 95% of people who had low mental wellbeing improved within just six weeks.</p> <p>In Policy EGS 2, could the wording be strengthened by amending this to, 'protected and enhanced' and could Biodiversity Net Gain (BNG) also be incorporated into the Plan policies? The emerging Environment Bill is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity. Whilst not yet formally released, this level is already being implemented as good practice across the country.</p>
Makin Enterprises	<p>We wish to make comment on Section 4.1 of the Neighbourhood Plan, specifically in support of the housing policies and objectives. Thank you for recognising Church Fenton Airbase/Leeds East Airport as a key location for potential new housing growth in the area.</p> <p>We are generally supportive of the aspirations of the Neighbourhood Plan in recognising the need to allocate land for housing development across the plan period and support 'Policy H3: Location of new development', which sets out that Leeds East Airport is considered a suitable location for new development.</p>
G Bradley	<p>On Page 40, Map 6, our agricultural field in Northfield Lane has been earmarked as an Important Green Space. The Steering Group Committee</p>

	<p>have not consulted with us. We do not want our privately owned field be included in the Neighbourhood Plan. Please can you remove this entry.</p> <p>Maps Some maps are not clear, they are too small and the print indistinct therefore some areas are hard to distinguish.</p> <p>White Horse Public House On pages 25, 53 & 55 there are out-of-date references to the White Horse Public House. Prior to Covid lockdown, the Pub was open and fully operational but this is not apparent.</p> <p>St Mary's Church environs Page 52. Sections of the Church Yard need regular maintenance, trees and bushes are overgrown and the wall at the back of the Church needs repairing. Could this maintenance be part of the Neighbourhood Plan?</p>
F Bradley	<p>Where will affordable homes be built if the Neighbourhood Plan doesn't want housing estates?</p> <p>Chapel Close has plenty of parking spaces and the site is not over-developed. The estate is well located and houses always sell well.</p>
Selby District Council Conservation Officer	<p>Page 38 – 'This plan will protect them as non-designated heritage assets' – the plan is identifying them as NDHA's but is not necessarily protecting them – the plan is allowing for additional scrutiny of development proposals affecting NDHA's but does afford protection as such. Therefore, the wording should be adjusted accordingly.</p> <p>Policy CH1: Non-designated heritage assets – The policy could include 'there will be a presumption in favour of their retention.' When it states 'named feature' is this meant to mean the specific buildings identified? Generally, the wording is a little awkward, for example, the use of the term sustainability. It is recommended that the wording be adjusted to better reflect common terminology and be firmer on the requirement for conservation (development should not just 'consider' the impact), for example: 'The following assets have been identified as being of local significance and worthy of conservation. There will therefore be a presumption in favour of their retention. Development affecting the assets should be designed in a manner that conserves the asset's character and heritage significance and the contribution that it makes to the character of the village.'</p> <p>Six buildings are identified – it is agreed that these can be classed as non-designated heritage assets. However, I was not able to identify the location of Orchard Cottage – the mapping could be clearer. These are all located within the historic core – it is very likely that there are others throughout the Neighbourhood Plan boundary, and also within the core, that could be classed as NDHA's. Provision should be made to add to the list as other example are identified.</p> <p>It may be more transparent if the specific Historic England guidance that was followed in assessing the NDHA's was recorded within the document.</p> <p>Policy CH2: Development in the historic core – Wording could be adjusted, for example: Paragraph 2 – should 'high quality' design not be aspired to,</p>

	<p>rather than just 'good' quality? (which is in fact used in d)). b) - suggest the wording is adjusted to: 'Ensuring that proposals for extensions and alterations will be designed to respect and complement the original building in scale, massing, form, materials and detailing.' d) suggest the wording is adjusted to: 'achieving high quality design that respects the scale, massing, form and character of existing building located in the context of a development site.'</p>
<p>J & P Knaggs</p>	<p>Housing causes contentious issues in every village. Every new resident feels that their investment is key to the village and any future development is an unnecessary intrusion and does not sit with their vision of living in the countryside.</p> <p>The committee has described Church Fenton as a linear village. It could be described as country- side sprawl.</p> <p>Low cost houses have been advocated and an emphasis put on this type of house. However, this cannot economically occur in small developments.</p> <p>With regard to Leeds East Airport which is in Ulleskelf parish, it may be beneficial to have some discussion. However our understanding is that this is a review of Church Fenton and therefore not in the remit of this Committee.</p> <p>Only land to the south of Church Fenton that drains into Carr dyke is in an NVZ.</p> <p>There are numerous footpaths in Church Fenton. Sadly, many users of these footpaths abuse their privilege. In terms of the proposed local greenspace at Church Field the plan is advocating public trespass on what is private land.</p> <p>Whilst it might be desirable to preserve other peoples' property, it is an extremely expensive undertaking to bring them up to modern day standards. Over time Church Fenton has developed differing styles of the era. The plan has to accept that modern building and construction will have to be implemented and consequently the designs and construction of yesteryear will not be a viable proposition.</p> <p>We are not sure that the Committee has completely understood the full impact of Phase 2b. It will entirely decimate the economic viability of Manor Farm and all farming lands to the north of Church Fenton village. The mighty viaduct running over the flood plain will destroy the views of Church Fenton to the north and west.</p> <p>The plan appears to want to use the flooding issue to decry all development. Instead it should advocate the complete renewal of the archaic surface water drainage system running through Church Fenton.</p> <p>In our view the Parish Council should in future refrain from investing public money in large scale projects (such as the White Horse and village shop) unless they are found to be of unquestionable viability.</p>

	There are parking issues in the village, particularly around the railway station and the school.
National Grid	An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines. National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.
AAH Planning	<p>The submission Neighbourhood Plan does not allocate land for housing, nor does it consider what the local housing need is.</p> <p>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.</p> <p>Policy H3 part (a) then contradicts policy H1 by referring to appropriate scale development on greenfield sites.</p> <p>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.</p> <p>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.'</p>
Coal Authority	As you will be aware the Neighbourhood Plan area lies within the current defined deep coalfield. However, the Neighbourhood Plan area does not contain any surface coal resources or recorded risks from past coal mining activity at shallow depth. Therefore we have no specific comments to make on the content of the Plan.
Natural England	No specific comments.
York Consortium Drainage Boards	The Board would generally only comment on development sites when the individual planning applications are prepared.
Jigsaws	<p>We have not been consulted on this plan even though we are mentioned several times in the plan.</p> <p>Our objection is that Jigsaws Childcare Ltd has been misrepresented on the following points and would like these corrections to be noted:</p>

	<p>Page 9 - second to last paragraph. This paragraph uses out of date information. Kirk Fenton School no longer offer Early Years provision. Jigsaws Childcare Ltd are the only Early Years provider in the village.</p> <p>Page 25 - point 4. This paragraph is factually incorrect on two points. Firstly, it suggests that Jigsaws Childcare Ltd is on a limited lease. Secondly, there is a suggestion that we should be bought as a going concern. On the first point, Jigsaws Childcare Ltd is not on a limited lease. Jigsaws leases land from NYCC on the same terms as Kirk Fenton School. Therefore, the land Jigsaws occupies cannot be used for expansion of the school. On the Second point, the plan suggests that we need to be bought out to provide a greater service. This is not the case; we have excellent provision for children from 3 months old to 11 years old. We have 120 children registered with us who use us on a weekly basis. We are a large employer in Church Fenton employing 19 staff. We are also the biggest training provider in Church Fenton as we have several apprentices. We also provide work for several self-employed people in the village to assist us in the maintenance of our premises.</p> <p>P 54 - paras 3 and 4. Again, this is partially incorrect. We are a childcare provider all year round for children aged 3 months to 11 years. We have 120 children registered with us who use us on a weekly basis with no more than 52 children in the setting at any one time.</p> <p>Page 59 - section 1 and page 60 - section 1 This again states that Jigsaws Childcare is on a limited lease. This is not the case as mentioned above, Jigsaws leases land from NYCC on the same terms as Kirk Fenton School. Therefore, the land cannot be used for expansion of the school.</p> <p>Page 60 - section 3 This section has omitted the fact that Jigsaws Childcare is one of the biggest employers in the village employing 19 staff.</p>
<p>North Yorkshire County Council</p>	<p>Policy H1 of the draft Neighbourhood Plan should ensure that it enables a scale of development that is consistent with the settlement's Designated Service Village role in the Selby District Core Strategy, and is of an appropriate scale to continue to support the essential services within the community.</p> <p>North Yorkshire recognises the role that small business play in the supporting the local Economy and creating sustainable communities. Policy BE1- Supporting the Small Economy recognises this role and is therefore welcomed. The policy should not prevent growth of larger scale businesses where this is appropriate to do so.</p> <p>Areas with an adopted neighbourhood plan receive 25% of the Community Infrastructure Levy (CIL) contributions generated within their areas. In times of increasing pressure on the Council's own budgets, the use of CIL received by the Parish to deliver identified improvements and projects would be supported. It would therefore be helpful for the plan to set out how the Parish council propose to use the Developer Contributions received to support the objectives of the Neighbourhood Development Plan.</p>

	<p>The future need to expand the primary school should be taken into account when determining any other policies (Conservation and Heritage: Development in the historic core; Proposed Plan Community Actions) that affect this area of the village. There is already extensive legislation and guidance to protect playing fields and school land and it is not felt necessary to introduce new policies as part of this neighbourhood plan.</p> <p>The whole area is within a Mineral Safeguarding Area/Mineral Consultation Area within the emerging Minerals and Waste Joint Plan (MWJP) being produced by North Yorkshire County Council, City of York Council and North York Moors National Park Authority. The relevant policies in this case are Policy S02: Developments proposed within Minerals Safeguarding Areas and Policy S06: Consideration of applications in Consultation Areas.</p>
Banks-Jones Estate	<p>Whilst noting Orchard Cottage has been designated under draft Policy CH1 as a non-designated heritage asset, within the Neighbourhood Plan. The description of Orchard Cottage (assumed to be The Orchards) is incorrect and should be amended to reflect that the majority of the building was built in the 19th Century and that it has one pond (not two).</p>
Selby District Council	<p>Policy H1: Selby District Council has worked closely with the Neighbourhood Plan Steering Group and has expressed concern at various stages in the process that an artificial limit of less than 10 dwellings on development could be seen as being anti-housing development and not in line with the positive approach to development underpinning the NPPF and localism.</p> <p>The supporting evidence for this policy is a 2018 parish-wide housing survey which 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 generally expect it to be met on-site. The mechanism for delivering affordable housing is generally provided by Adopted 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 identified and there is not detail of how this will be delivered. As such, there are concerns regarding the delivery of affordable housing in the village without the mechanism to do so.</p> <p>Church Fenton Airbase: 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 cannot relate to land which lies beyond the parish boundary.</p> <p>Policy EGS1: Paragraph 100 of the NPPF requires that Local Green Space designations 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>Whilst SDC generally support the Local Green Space designations made in the draft plan, 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. 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>
Historic England	No specific comments