

## Ashwell Neighbourhood Plan

### Responses to Independent Examiner's Clarification Note

Prepared by the Ashwell Neighbourhood Plan Steering Group

21 September 2021

This note has been prepared by the Ashwell Neighbourhood Plan Steering Group (SG) on behalf of, and agreed with, Ashwell Parish Council. We are grateful for the opportunity to provide further clarification on the points raised below.

- 1. *Policy ASH1* - In general terms this policy takes an appropriate approach towards development. In terms of its details, how does the Parish Council intend that the District Council would apply Part B of the policy? In any event, does it respect the approach taken in Policy SP2 of the emerging Local Plan?**

Part B of the proposed neighbourhood plan policy states that “within the proposed extension to the settlement boundary, proposals that make use of brownfield land will be supported. Development on greenfield land while there is available brownfield land will not be supported.”

The purpose of this policy is to prioritise the use of brownfield sites before greenfield sites are used. This is in response to the consultation, which found that local people value green space locally. It is also considered to conform to the National Planning Policy Framework (NPPF) para 119, which suggests that policies to deliver housing should make as much use as possible of previously-developed or ‘brownfield’ land.

Policy SP2 of the emerging Local Plan, while not yet adopted, takes a slightly more flexible approach to this by stating that “general development will also be allowed within the defined settlement boundaries of the Category A villages”, of which Ashwell is one. It does not seek to prioritise brownfield.

The SG would support the continued inclusion of the more strongly worded statement in the neighbourhood plan, however if this is considered to be too inflexible, the following alternative would be supported at Part B: “Development proposals should make the best use of suitable brownfield land before greenfield land is released”.

- 2. *Policy ASH5* - To what extent does the policy add any distinctive parish value to national and local policies?**

The supporting text details the local concerns about flooding and examples of this within the parish. This policy sets out the Plan's requirements for sensitive and imaginative arrangements for sustainable drainage. It is considered that the policy will assist in the development of sustainable and attractive new developments in the village. This creative, biodiversity-considerate approach to urban drainage is alluded to in the text of the emerging Local Plan (at para 4.135) but is not expressly included in the emerging Local Plan policies.

**3. Policy ASH6 - To what extent does this policy overlap with the responsibilities of other organisations and the requirements of the Building Regulations?**

Building regulations set out that water consumption per dwelling should not exceed 125 litres per person per day; but they also set out an optional level of 110 litres per person per day. Ashwell is located within an area of water stress, as demonstrated by the supporting text and this policy therefore seeks to apply this optional usage as the minimum, to recognise this point. This approach is supported by Affinity Water, as the provider, and also the Environment Agency.

**4. Policy ASH9 - I saw several of the views during the visit. They have been carefully-chosen. As I read the policy, section A is the policy element and sections B and C are effectively supporting text. The Parish Council's comments on this observation would be appreciated.**

The SG consider that Part B effectively repeats Part A and could therefore be deleted. It is considered that the text in Part C is related to local character and therefore could be moved to the supporting text of Policy ASH3.

**5. Policy ASH11 - The policy takes a comprehensive approach to its subject matter However, as I read the policy section A and B is the policy and sections C and D are effectively supporting text. The Parish Council's comments on this observation would be appreciated**

It is agreed that these two Parts could be moved into the supporting text for this policy, as they are statements of fact as opposed to adding additional local detail to national and strategic policy.

**6. Policy ASH13 -The policy takes a comprehensive approach to its subject matter. What is meant by 'flexible terms' in Part A of the policy? In any event, are business letting arrangements land use in their nature?**

The SG intend that 'flexible' in this context relates to the ability for spaces to be used flexibly – i.e. where they may be designed in a way that can serve multiple purposes and uses - as opposed to rented flexibly. This is an interpretation point, which could be addressed by amending this wording, for example to: "Proposals to provide incubator/start-up business space **that is flexible in its use** will be supported through:.."

**7. Policy ASH15 - I saw the interesting range of retail and commercial uses in the village centre. As the Plan comments, the 2020 Use Classes Order has made an approach towards their future uses more challenging. In this context are paragraphs 9.19 and 9.20 of the Plan the driving forces behind the policy? How would part A of the policy work in practice? In particular, how would the District Council define an appropriate balance of uses?**

It is agreed that the main purpose of this policy is to seek to support the ongoing provision of a viable and, ideally thriving, local village centre. The concerns about this, and why this is important, is set out in paras 9.19 and 9.20. The SG would not wish to see the % of retail/community/ local services uses in the village centre to fall below the current threshold – one way to measure this would be to provide a benchmark of what currently exists and use this as a guide when implementing the policy.

Part A seeks to do this by setting out that “Development proposals that provide a balance of uses - retail, leisure and community, commercial and residential - will be supported subject to compliance with all relevant development plan policies”. Reference to a 2021 benchmark could be included here.

This synchronises with the emerging Local Plan, which defines Ashwell as a Category A Village. The Local Plan considers that it is important that such centres continue to provide a mix of shopping, services and community facilities, and in particular retail units. In applying this, it states that a predominance of shops is considered to be necessary to secure future viability of these centres. However, some non-retail uses may be appropriate in the centres where this does not harm the mainly retail function. An associated action with this policy could be maintaining a record on the numbers and uses of units within the village centre, in order to create a picture of the current mix. It would then be possible to understand where gaps or opportunities lie, which in turn would assist in responding to incoming applications.

Where a vacant shop premises is subject to a change of use application (which may be the case for listed buildings, even in the context of the new permitted development rights), then documented evidence would be necessary to show that all reasonable attempts to sell or let it for use as a shop for a year or more have failed. If there are other vacant units in the centre this will also be taken into account. Other non-retail uses, such as community and leisure uses would be supported, if it can be demonstrated that they would meet a local community need.

**8. Policy ASH16 - As submitted, the policy could be read in two ways. The first is that it supports (unspecified) development which would provide new or extended recreational facilities. The second is that it supports proposals to provide new or extended recreational facilities. Which is the correct interpretation of the policy? Is Part B of the policy supporting text rather than policy?**

The policy is intended to be read in the second approach quoted above, i.e. it supports proposals whose principle aim is to provide new or extended recreational facilities. It does not, for instance, support development that delivers, as a consequence, recreational facilities – these would be considered on their merits against all policies of the neighbourhood plan. The SG consider that the policy may need to be modified, if appropriate, to reflect this.

It is agreed that Part B should be removed from the policy and form part of the supporting text.

**9. Policy ASH20 - This is generally a good policy. However, should Part B be applied on a proportionate basis? As submitted, it would apply to all minor and domestic proposals and where the requirements of the policy would be both impracticable and unreasonable.**

The rural nature of the parish means that car ownership and usage is high, when compared to the local authority area and wider region. Matters relating to road infrastructure and speed controls generally fall outside the remit of the Neighbourhood Plan.

Where a difference can be made, however, is to encourage people living in the parish to take more local (intra-parish) journeys by transport mode other than the car. This approach to sustainable (and active) modes of transport is supported in the NPPF.

To do this, it is vital, therefore, that all development should ensure that it is linked to the existing footpath network. This is considered proportionate and also necessary, in the context of making sure that all homes are suited to a range of needs in terms of ages and abilities. This would be equally valid for a major development and, for instance, a smaller scale home extension, which could serve to improve accessibility for future users.

To enable flexibility and common sense when applying the policy, for instance to minor household applications, the wording "Subject to the scale, nature and location of the proposal".

**10. Policy ASH21 - The intention of the first part of the policy is understandable. However, might it have unintended consequences? Is the second sentence of Part A of the policy supporting text? Is Part B of the policy practicable? In addition, might it have unintended consequences?**

On reflection, it is considered that Part A of this policy could be better placed within the list of priorities to be drawn up by the parish council, when considering how to prioritise developer contributions. It is agreed that Part B is not practical in terms of implementation and, in any case, what this aspires to achieve is considered within Policy ASH20. Therefore, the policy could be deleted.

**11. Policy ASH22 - Might Part D of the policy have unintended consequences?**

The SG agree that this could have unintended consequences and suggest that the first sentence of Part D is deleted, and the second sentence (relating to cycle and electric charging points) is moved into Part A of the policy.

## 12. Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular does it wish to comment on the representation from the District Council?

The following comments are made on representations from the District Council:

### Policy ASH2:

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| 29 | Policy ASH2 (B) | The provision of one and two bed homes will assist in meeting the requirements of (i) and (ii). The policy could be amended to support development of one and two bedroom homes.  |
|    | Policy ASH2 (C) | The second sentence of the criterion states "Applications that offer affordable housing substantially in excess of the ratios required in the Local Plan will be supported..." This seems to suggest that applications that don't offer in excess of the ratios will not be supported. The Council cannot demand affordable housing above Policy requirements although any 'excess' of affordable housing above policy requirements may be viewed positively in the determination of any schemes. |
|    | Policy ASH2 (D) | This criterion should be amended to include a reference to the latest housing survey or the latest version of the Strategic Housing Market Assessment as these will include information on housing need   |

The SG agree with points 1 and 3. With regards point 2, the neighbourhood plan **particularly** supports proposals that offer affordable housing percentages in excess of what is required in the Local Plan.

### Policy ASH3:

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| 33 | Policy ASH3 (C) | This wording of this criterion has been amended following the Regulation 14 consultation. The Council considers that the wording has been made less certain in the revisions. Previously a development proposal would have been expected to ....., but this has been amended to development proposals "should address". |
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The SG agree that the policy would be stronger using the words 'is expected to' and would prefer to see this in the final version.

### Policy ASH4:

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| 39 | Policy ASH4 (vii) | This criterion should be deleted from this policy as car parking is comprehensively addressed in Policy ASH22. |
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Agreed.

### Policy ASH5:

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| 41 | Policy ASH5 | In response to the Regulation 14 consultation, the Council stated that much of the policy replicated policy guidance that is included in the NPPF, National Planning Practice Guidance and the emerging Local Plan. The Council's position has not changed and it is considered that this policy could be deleted from the neighbourhood plan. |
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See previous answer in response to Examiner's question 2.

### Policy ASH8:

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| 46 | Policy ASH8 (B) | The policy includes the phrase "structures of character" which is used in the 2 <sup>nd</sup> sentence together with a reference to Appendix C of the neighbourhood plan. However, there is no specific reference to "structures of character" within the Appendix. The wording of the Policy should be amended to delete the reference to "structures of character" and replace this with "undesigned heritage assets", which would be in line with the guidance in the NPPF. |
|    | Policy ASH8 (C) | Guidance published by <a href="#">Locality</a> on writing planning policies for neighbourhood plans suggests that using "not normally" introduces a vagueness to planning policies. To be used effectively in determining planning applications, the policy wording needs to provide some certainty about how a development proposal will be considered.<br><br>By deleting the first few words of this criterion, the policy could be worded to provide more certainty.       |

We note Point 1 and would suggest amending the wording to 'non designated heritage assets', which conforms to NPPF wording.

Point 2 is also noted. The use of 'not normally' was proposed to take account of paras 200 and 201 of the NPPF, which set out that in exceptional purposes, such assets can be significantly harmed or lost through development.

### Policy ASH9:

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| 53 | Policy ASH9 | It appears that Policy ASH9 has been amended following publication of the Regulation 14 consultation draft neighbourhood plan. The Council considers that the introduction of criterion B makes the policy unclear and should be deleted. |
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Agreed, as per response to Examiner question 4.

### Policy ASH11:

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| 62 | Policy ASH11 (C) | This criterion should be deleted from the policy as it duplicates the provisions set out in Policy NE9: Water quality and environment in the emerging Local Plan.   |
|    | Policy ASH11 (D) | In its response to the Regulation 14 consultation, the Council stated that the wording of this criterion should be amended to reflect the language used in the NPPF. However, the revised wording now includes text from the NPPF which is unnecessary and should be deleted from the neighbourhood plan. |

Agreed, as per response to Examiner question 5.

### Policy ASH12:

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| 64 | Policy ASH12 (B) | In its response to the Regulation 14 consultation, the Council stated that the wording of this criterion should be deleted as it duplicates what is set out in the NPPF. This remains the case and the Council considers that this criterion should be deleted. |
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The SG consider that this is helpful wording and should be retained.

Policy ASH15:

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| 68 | Policy ASH15 (B) | <p>The Council welcomes the changes made to this policy in light of the revisions made to the Use Classes Order in 2020.</p> <p>However, the Council considers that the second and third sentences of criterion B should be amended to ensure that the policy meets the basic conditions and accurately reflects the changes to the Use Class Order.</p> <p>The Council assumes that the intention of the policy is to protect retail and community uses, the policy could be amended to specifically identify those uses, rather than make reference to the Use Classes E, F1 and F2 which</p> |
|    |                  | <p>include other uses including cafes, offices and light industrial uses. This is an approach which is proposed in the Further Main Modifications to the emerging Local Plan.</p> <p>As worded, policy criterion (B) refers specifically to retail and community uses, whereas the new E, F1 and F2 Use Classes include a number of other uses, including cafes, offices and light industrial uses. These references should be deleted from the policy.</p>   |

See comments in relation to Examiner question 7. The policy is supporting a mix of uses within the village centre, with a particular focus on community uses, retail and uses that would encourage footfall and contribute to maintaining the village centre as a focal point for the community. Cafés could be considered part of this.

The SG have discussed this further and consider that the reference to the Use Classes could more specifically refer to: E (a to f), F1 and F2.

Policy ASH22:

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| 82 | Policy ASH22 (C) | <p>The criterion could be re-worded to read: "Development proposals which result in the loss of publicly accessible off-street car parking will not be supported" which would make the policy clear.</p> |
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The SG would support this amendment, which is considered to add clarity.

We are grateful for the opportunity to provide further clarification on the questions and points raised by the Examiner.

Graham Lee and Norton Mahy

Ashwell Neighbourhood Plan Steering Group