

Examiner's Clarifying Questions and Information Requests put to Aldcliffe with Stodday Parish Council and Lancaster City Council

Questions and Information Requests to Parish Council (February 2022)

Responses from Aldcliffe with Stodday Parish Council and Lancaster City Council (February 2022)

Question PC1:

In respect of Policy AS1 how is it envisaged that Biodiversity net gain maintenance over 30 years will be enforced?

PC Response:

Through the Environment Bill it is envisaged that habitat (biodiversity net gain) will be secured for at least 30 years via planning obligations or conservation covenants. Planning applications subject to mandatory BNG will be required to submit a biodiversity gain plan for authority approval, and it is expected that further detail as to what these biodiversity gain plans will entail (for example, addressing issues around maintenance) will come through the secondary legislation (BNG consultation currently underway). If it is provided onsite, details will be required via a management and maintenance plan (potentially part of the biodiversity gain plan). LCC is currently exploring off site provision, as there isn't currently a mechanism in place (as explained in response to Question PC/LCC1 below). Secondary legislation is awaited for clarification.

Question PC2

In respect of Policy AS1(2) ii – Should this refer to 'Fairfield Association rather than 'Fauna'?

PC Response:

This should say 'the Flora and Fauna Nature Reserve managed by the Fairfield Association....'

Question PC3

In Policy AS2(2) if this clause is intended to relate to lanes that are public highways – how is it intended the objective will be achieved?

PC Response:

During the preparation of the NDP the SG researched the possibility of identifying and incorporating 'Quiet Lanes' in the NDP in recognition of the area's important local role for recreation - walking, cycling and horse-riding. However there were no plans at the time of discussion for rolling out such a scheme in Lancashire.

Highway Code para 218¹ sets out that 'these are places where people could be using the whole of the road for a range of activities such as children playing or for a community event. [Drivers] should drive slowly and carefully ... be prepared to stop allow people extra time to make space to pass them in safety.'



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Where such lanes are public highways, then signage could be provided to advise motor vehicle users that they are entering a stretch of road where they should drive slowly and carefully to ensure the safety of other users such as walkers and cyclists.

Refer also to Parish Council Actions p28, particularly 1 which refers to improvements to prioritise non car users and provide a safer environment and 2 which refers to signage.

Ideally the Parish Council would like to see a reduction in the speed limit across the Parish.

Question PC4

In Policy AS3 paragraph 1 – is it the intention that new buildings are to be in harmony 'with their setting'? Currently the policy just says to be in harmony but without saying with what.

PC Response:

Yes. This would read better as '... in harmony with their setting (except where buildings are less attractive) ...'.

Question PC5

In the data column for monitoring policies AS4, AS5 and AS8 the text appears to have just been copied across from the entry for policy AS3 as it refers to 'landscape'. Is this a mistake should it read 'design grounds' for AS4 and 'sustainability grounds' for AS7 for example?

PC Response:

Yes – this was a drafting error.

AS4 should read: 'Applications refused/approved on landscape design grounds where policy AS4 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.'

AS5 should read: 'Applications refused/approved on landscape house type grounds where policy AS5 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.'

¹ <https://www.highwaycodeuk.co.uk/other-road-users.html>

AS7 should read: 'Applications refused/approved on ~~landscape~~ sustainability grounds where Policy AS7 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.'

Question PC6

In response to United Utilities Reg 16 Representation – where are the Biodiversity Net Gain proposals intended to be located relative to the satellite sewage pumping station referred to in Appendix 2?

PC Response:

Please refer to the Table, 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

Refer to reference 7.3 pp12-13. This sets out that this area of land is not in UU ownership. The proposal has been discussed with the landowner again and the landowner would prefer it if it was deleted from the Plan. The PC is happy to do this.

Question PC7

Regarding the JWPC comment in their Reg 16 representation what assessment, if any, did the Parish Council and Steering Group make of small sites that could come forward?

PC Response:

Please refer to Ref 6.4 pp8-9 in the Table 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

The Parish Council have not undertaken an assessment of possible small sites in the parish. However, development schemes have come forward from time to time in Aldcliffe with Stodday and the NDP provides a robust and positive planning policy framework to help guide decisions about development in the future. Small scale schemes are considered to be more appropriate to the rural context than large scale major developments which could have significant adverse impacts on local character, as noted in recent appeal decisions.

Question PC8

In respect of policy AS5 JWPC argue that no sites exist in the neighbourhood area that would be infill/conversion/or previously developed sites. Is this a view shared by the Parish Council in respect of the current situation in the parish?

PC Response:

No this is not accepted.

Question PC9

JWPC in their reg 16 representation appear to have a difficulty with the monitoring target proposed for policy AS5. I read this that the Parish want 100% of any new housing to be smaller units ie less than 3 bedroom – is that correct?

PC Response:

The PC wants 100% of any new housing to be smaller units ie 3 bedrooms or fewer.

Please refer to Ref 6.6 pp9-10 in the Table 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

Further Question:

Policy AS5 (5) refers to designs adhering to the guidance set out in Housing Design Codes – Is this intended to be the Aldcliffe with Stodday Design Code or something different eg the National Design Guide or Building for Life 12 or similar.

PC Response:

This relates to the Aldcliffe with Stodday design codes. The design codes document does not have a specific code just for 'housing' so perhaps the word 'Housing' should be deleted from AS5 (5) to improve clarity.

Questions to Lancaster City Council (February 2022)**Question LCC1:**

With respect to the text at Paragraph 5.18 has the application to designate Aldcliffe Hall Drive as a PROW been confirmed?

LCC Response:

Lancashire County Council administer PROWs. This is an application which led to an Order being made and there were objections to the Order when it was advertised. This now has to be submitted to the Secretary of State for a decision but hasn't been sent. It is Lancashire County Council's view that the route does carry public rights, however, a final decision will not be made until the process has run its course including either a public inquiry or exchange of representations. A timescale is not available but it will be some time away.

Question LCC2

In paragraph 5.26 has the Movement Strategy referred to been completed yet?

LCC Response:

No work is still ongoing.

Question LCC3

What stage has Bailrigg Garden Village reached and is there actually any development proposed within the parish? If so, should a specific statement be made in ASNP recognizing the position and that policy AS5 relates to the 'rest of the parish'?

LCC Response:

Bailrigg Garden Village is expected to be located within the Broad Location for Growth identified by policy SG1 in the adopted local plan. The Broad Location for Growth abuts but does not include land within Aldcliffe with Stodday Parish. LCC has commenced progress on an Area Action Plan which will allocate land for development within the Broad Location for Growth but is not yet at a stage where defined areas are available.

Questions for Both Councils

Question PC/LCC1

In Policy AS1(2) how will contributions be secured – will this be by S106? Has Natural England asked Lancaster City Council to secure contributions to the management of Morecambe Bay from all residential development within a certain radius as has been agreed with many other Councils in respect of European sites?

LCC Response:

Any contribution to deliver BNG off-site would need to be secured through a S106 Agreement. At present there is no mechanism in place at LCC to manage the delivery of off-site biodiversity. This will be prepared as part of the LCC's work on BNG over the coming months and in preparation for when BNG will be mandatory from November 2023. In the absence of this work this would need to be managed on a case-by-case basis with opportunities for off-side provision explored.

The potential for an increase in recreational pressure upon Morecambe Bay as a result of housing developments within 3.5 km and employment sites within 1.5 km of the European sites was considered within the Appropriate Assessment for the adopted Local Plan. A range of mitigation measures were identified through the Local Plan to address this. This included the preparation of home owner packs for sites falling within this radius.

No contributions are presently required or have been requested by Natural England.

LCC continue to have discussions with Natural England regarding this issue and are investigating the preparation of a joint document with neighbouring authorities which would provide a more joined up approach to the management of recreational pressure across the Bay area. The requirement for any contributions would be investigated through this work and would need to be viability tested.

Question PC/LCC2

In Paragraph 6.8 has LCC been involved in agreeing the basis for the identification of non-designated heritage assets and does LCC agree with those assets 'listed' in the appendix to the neighbourhood plan?

LCC Response:

The basis for the identification of non-designated heritage assets is the same as the criteria used by LCC and LCC agrees with the assets 'listed' in the appendix.