

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: 12<sup>th</sup> FEBRUARY 2015  
title: PROPOSED COUNCIL CONSULTATION RESPONSE TO BOLTON BY  
BOWLAND AND GISBURN FOREST DRAFT NEIGHBOURHOOD PLAN  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: PHILIP DAGNALL

### 1. PURPOSE

- 1.1 To agree a formal response to the consultation currently underway regarding the Bolton by Bowland and Gisburn Forest Neighbourhood Plan and thereby aid in its timely development.
- 1.2 Relevance to the Council's ambitions and priorities:
  - Community Objectives – The matters covered in this report will contribute to several of the objectives of the Sustainable Community Strategy including appropriate housing and encouraging economic activity.
  - Corporate Priorities – The document that is the subject of this report relates to Council ambitions of making people's lives safer and healthier and also helping to protect the environment by directing future development into appropriate and sustainable locations.
  - Other Considerations – This consultation response will help the Council to positively contribute to the neighbourhood planning process.

### 2. BACKGROUND

- 2.1 Neighbourhood planning is a new initiative of the present government which gives local communities the opportunity, should they choose to take it, to develop a formal plan for their particular area. This plan, once adopted, will have legal force in the formal planning system alongside other documents produced by the Planning Authority and by central government. It must be in general conformity with the area's overall Local Plan, including the Core Strategy, and not conflict with central government policy statements such as the National Planning Policy Framework (NPPF) and associated National Planning Practice Guidance (NPPG). Decisions on planning applications will be made using both the Local Plan and, once it is formally adopted, the neighbourhood plan, and any other material considerations.
- 2.2 In general terms, and subject to the above, neighbourhood plans give local communities the ability to develop a shared vision for their particular area including where they want to see new homes, shops and work places develop, potentially what those new buildings will look like and what infrastructure should be provided. These plans can operate over ten, fifteen or twenty year horizons. It is also important to note that the plan will also be subject to the parallel process of Sustainability Appraisal, as was the Core Strategy.

- 2.3 Briefly, the process of developing a neighbourhood plan begins with the designation of the specific area the plan will consider. In this case it is the combined parishes of Bolton by Bowland and Gisburn Forest, which have developed the draft to which this consultation refers through a joint Steering Group under the guidance of independent consultants. This draft plan is currently the subject of a consultation ending on 1<sup>st</sup> March 2015. This neighbourhood plan is the first of its type to be progressed in Ribble Valley.
- 2.4 Following the closure of the consultation period the plan will be revised in the light of responses and any necessary further clarifications and liaison. This revised version, which the local community considers to be its final plan, will then be submitted to Ribble Valley Borough Council who will arrange a formal six week consultation on the document. Following that stage the document, together with any consultation responses, will be the subject of an Examination by an outside party. If it is found to be legally sound it will then pass to a local public referendum. If successful, and subject to EU obligations and Convention rights, Ribble Valley Borough Council then formally makes the plan and it comes into legal force.
- 2.5 Further details regarding Neighbourhood Planning can be found on the National Planning Policy Guidance (NPPG) website link below.

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

### 3. THE PLAN ITSELF

- 3.1 Briefly, the draft plan deals with a variety of matters relating to key local issues that the community have identified through a series of workshops. These are set out as Objectives relating to the following issues:
- Housing Growth
  - Maintaining Character
  - Transport/Infrastructure
  - Promoting Employment
  - Community Facilities
  - Natural Environment
- 3.2 Each Objective has its own chapter structured around a description of local evidence, then followed by an outline of technical evidence, including relevant parts of the Core Strategy and other documents and a variety of policies. These policies, once finalised, are intended to, on the adoption of the plan, be formal legal considerations in the Council's judgement of planning applications alongside the Core Strategy.
- 3.3 The Plan also contains a series of maps intended to delineate formal areas of land to which various policies will relate and which will potentially be future formal land allocations. In addition there are a series of Appendices relating to items such as the NPPF, Parish Actions outside the plan and other matters. The Plan is available as a hard copy in the Member's room and on line at: [www.tsbparish.org.uk](http://www.tsbparish.org.uk)

#### 4. THE PROPOSED RESPONSE

- 4.1 The draft plan has been the subject of internal consultation from which the proposed response in Appendix 1 has been developed. It is structured around the various Objective chapters within the plan and is intended to help guide the community towards developing a final plan. The Planning department will continue to liaise positively with the local Steering Group as the plan develops.

#### 5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications:

- Resources – No direct in house staff and other in house resources will be required at this stage.
- Technical, Environmental and Legal – None
- Political – No direct political implications
- Reputation – It is important that the Council positively contributes to the neighbourhood planning process.
- Equality & Diversity – No implications identified

#### 6 **RECOMMENDED THAT COMMITTEE**

- 6.1 Approve the consultation response in Appendix 1 and its despatch to the relevant recipient. Further approve the Head of Planning to continue on-going liaison with the Plan Steering Group as necessary.

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#### BACKGROUND PAPERS

1. Ribble Valley Borough Council Response to Consultation on Draft Bolton By Bowland and Gisburn Forest Neighbourhood Plan.

For further information please ask for Philip Dagnall, extension 4570

REF: Author/typist/committee/date

**Comments on Draft Bolton By Bowland and Gisburn Forest Neighbourhood Plan  
(28-1-15)**

The following comments are made in relation to the Draft Plan put to public consultation in January 2015. It is understood that these will inform a further version of the plan that the Council will consult on later in the year in preparation for an Examination and then a public referendum. It is also important to mention that, in parallel to the development of this plan, it is subject to an on-going Sustainability Appraisal scoping exercise which may indicate that a more detailed Sustainability Appraisal is necessary.

**General Points.**

Is there a plan period for this plan, ie a start and an end date? BBGF2 refers to an end date of 2028.

**Comments on the Various Plan Sections**

**1.23 bullet 2** - To what does the 54.3% in brackets refer?

**4.1** - The document should state that there are other parts of national planning legislation that might have a bearing in addition to NPPF and NPPG.

**4.3** - The document should make it clearer that the Neighbourhood Plan must be in conformity with the Ribble Valley Core Strategy. While the detail is quoted within Appendix A (which is referred to in 4.4) a clear statement in either 4.2 or 4.3 of this relationship would be helpful.

**Objective 1 – Housing**

**6.4** - This contains housing requirement figures that relate to a previous version of the Core Strategy. The correct versions are now within the Adopted Core Strategy Table 4.12 Page 42 which breaks down an overall figure of houses in “Other Settlements” in a more detailed way.

**6.7** – It should be emphasised that these policies relate to Adopted Ribble Valley Core Strategy policies. This would help in reading through further sections of the plan.

The three proposed housing sites all appear to be sites mentioned as Included Sites within the RVBC 2013 Strategic Housing Land Availability Assessment (SHLAA) and therefore this document should be referenced within this section.

**6.11 - 6.12** - It is not clear how any information quoted as general housing need could be translated into actual housing units over the plan’s period mentioned in BBGF1 and BBGF2. This is a detailed and important matter and should be set out before any consideration of actual sites is undertaken. Numbers are mentioned within Policy BBGF1 but their derivation should be made clearer here or within 6.13. These numbers would need to be justified to aid in any decisions on relevant planning applications.

**6.12 - 6.14** - It is also unclear what criteria have been used to select the various sites mentioned and their relative sustainability. What other sites were considered? Is it dependent on SHLAA

information? Also Ribble Valley Borough Council are embarking on the development of a formal land allocations Development Plan Document (DPD) and it will be important that there is significant liaison regarding any proposed allocations through the Neighbourhood Plan and through RVBC's document, which will have a series of formal consultations.

**6.16** - While the various general tests that would apply to Site 3 within Flood Zone 3 are laid out it is still unclear how it could be considered sustainable as a housing site. Is this site the most sustainable solution? Are there not more sustainable sites? There also needs to be a link here to Policy BBGF19 Flooding, which appears later in the document.

### **Policy BBGF1**

Note above concerns over:

- Inclusion of Site 3
- Derivation of housing numbers in final para.

### **Proposals Map 01: New Housing Development (Policy BBFG-1)**

A number of the identified preferred development/housing sites appear to be adjacent or within close proximity to Designated Heritage Assets (Listed Buildings, Conservation Area, Focal Buildings). It is likely that a number of the areas designated for 'future development' or 'housing' currently play a role in the overall setting/importance and inherent value of the aforementioned assets. A detailed assessment in relation to potential impacts, opportunities/constraints should be undertaken prior to 'site allocations'.

'Site 01' Is directly adjacent a Grade II Listed Building and directly abuts the Bolton by Bowland Conservation Area. It is likely that any development of this site will have an effect upon the character and setting of the Listed Building/Conservation Area and there is the danger that any development (to the east of the School) will fundamentally undermine its current role as a 'Focal Building' upon approach from the east.

'Site 02' is likely to be representative of ribbon development that results in excessive encroachment into the defined open countryside which is largely discordant with the inherent settlement pattern which at present consists of tight-knit clusters or groupings. There are fundamental concerns that the extent of expansion to the east would afford any new development/built form a higher level of visual prominence/importance than that of Bolton by Bowland CoE Primary School (Grade II Listed) this may be further exacerbated by the topography of the site.

'Site 03' will have a partial 'frontage presence' onto an identified 'significant Open Space'. The site further occupies an area that is likely to be afforded a high level of visual prominence from Barrett Hill Brow upon approach from the east. The defined parcel appears to extend the settlement and built form northward which may have fundamental impacts as to how the settlement is visually read and could be considered to be discordant with the of tight-knit clusters or groupings that define the character of the settlement. It is additionally located wholly within the Bolton by Bowland Conservation Area and it should be considered that the 'openness' of the site may contribute to its overall inherent character.

## **Proposals Map 02: New Housing Development (Policy BBFG-1)**

It is noted that the settlement boundary (Map 02) does not match the defined settlement boundary as carried forward by the Adopted Core Strategy.

The preferred site is directly adjacent two Grade II Listed Buildings. It is likely that any development of this site will have an effect upon the character and setting of the Listed Building, a detailed assessment in relation to potential impacts, opportunities/constraints should be undertaken prior to the 'site allocation' which should inform the overall approach taken in identifying the extents/location of the site.

Given the potential constraints/impacts related to the identified housing/development sites it is suggested that detailed supplemental guidance be prepared to guide any development in an appropriate manner. Such guidance should consider (but not be limited to):

- Materials
- Scale
- Form
- Elevational Proportioning
- Elevational Detailing
- Boundary treatments (including private curtilage)
- Orientation and spacing between buildings
- Streetscene considerations
- Surfacing
- Access arrangements
- Landscaping
- Roofscape
- Frontages
- Setbacks
- Context appraisal
- Character Appraisal
- Focal Points/Vistas/Important Views
- Parking/Servicing/Refuse Storage
- Landscape/Ecology/Biodiversity

**BBGF2** - The phasing stated in this policy may be difficult to justify, for instance in terms of development viability considerations. Does it refer to development for market housing or only local needs or both?

Also it is not clear how the housing policies here relate to the Core Strategy policies and their emphasis on affordable housing. It should also be mentioned that recent changes to Planning Policy Guidance regarding Planning Obligations and associated thresholds may also have an effect on the local provision of affordable housing and whether or not it would be NPPF compliant.

**6.21** – The reference to following criteria to allow conversion of existing farmstead building to housing needs clarification. Housing within the Open Countryside (ie outside defined settlement of Bolton by Bowland and Holden) would need to have regard for the Adopted Core Strategy Key Statement EN2 and policy DMH3.

**6.22** – Clarification is needed to define “exceptional circumstances” envisaged to justify new build?

**6.23 - 6.24** – Clarification as to the intention of the plan to allow up to 6 new dwellings in each existing farmstead? If it is envisaged that there would only be 1 or 2 such developments how could this number be justified and what site criteria could be used to judge applications? It is noted that the recent changes to the GPDO regarding change of use of farm buildings to dwellings do not apply within the AONB are mentioned in 6.27.

**6.28** - Refers to “restrictions and criteria” that are presumably within BBGF3 or are these to be developed later?

**BBGF3** - It is unclear how this policy relates to the Core Strategy policies DMH3 Dwellings in the Open Countryside and AONB and DMH4 Conversion of Barns and Other Buildings to Dwellings, with which it shares many elements. Its final criteria regarding meeting “identified local needs” would seem to limit such conversions to affordable only dwellings which may render many sites financially unviable.

The terms ‘Countryside Settlements’ requires further definition as does Isolated Location (e.g. isolated from services/facilities or visually isolated).

### **Objective 2 –Character Agree with red to replace green but leave the first bit in about stat duties**

Further consideration is required to statutory duties at 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Policy BBGF4** is entitled ‘**Protecting Heritage Assets**’ but the text appears to refer to Designated Heritage Assets only. It appears onerous to require new development to both ‘preserve and enhance’ **Policy BBGF5**

**4.12 - Encouragement of conversion of barns/existing buildings for housing provision in the countryside and Policy BBGF5 ‘General Design Principles – priority to use of brownfield sites/conversion of existing buildings** – notwithstanding other sustainability issues, we would suggest further consideration to the ‘optimum viable use’ of these heritage assets. Residential conversion is unlikely to be the most sympathetic reuse for historic barns. Furthermore, we would suggest that detailed design guidance on barn conversion accompanies these proposals (and Policy BBGF12). The need for informed and sensitive management of change to the historic agricultural building stock is identified at NPPF paragraph 115 AONB ‘cultural heritage’ and para 135. In this regard, the EH et al study below identifies the pressure this area has already been under from residential conversion.

<http://www.english-heritage.org.uk/publications/historic-farm-buildings-extending-the-evidence-base/historic-farm-buildings-ext-evidence-base.pdf>

Page 15-16 identifies “*Divergences are found, however, between the geographical distributions of addressable-barn conversions and those of the overall stock of listed barns ... Where the number of ‘addressable barns’ is substantially higher than the overall population of listed barns might predict (such as in the Severn and Avon Vale NCA, and much of Cornwall), this appears to reflect both market pressure and the character of the stock itself. This is clearest in the Bowland Fringe and Pendle Hill NCA in Lancashire, where the density of ‘addressable barns’ is*

*at its highest. Here, small linear farmsteads incorporating unlisted stone barns are particularly well suited, in terms of capacity, to residential conversion ... Although the annual flow of addressable conversions is equivalent to no more than 1 per cent of new building, it can have much more significant effects in some highly regulated contexts. Thus in the Bowland Fringe and Pendle Hill NCA, addressable barns constitute almost 5 per cent of the entire dwelling stock (outside urban areas and towns)".*

We would therefore support the Policy BBGF3 and Policy BBGF12 reference "no detrimental effect on the form, design, character and setting of the building". However, Policy BBGF3 (replacement dwellings) does not appear to take account of the loss of character to the AONB from the demolition of traditional buildings (undesigned heritage assets).

We are concerned (no site inspection undertaken) that the proposed housing sites would be harmful to the setting of listed buildings (also conservation area setting and views issues at Bolton by Bowland) and would suggest that significance assessments in accordance with the methodology in EH's 'The Setting of Heritage Assets' be undertaken at a very early stage.

<http://www.english-heritage.org.uk/publications/setting-heritage-assets/setting-heritage-assets.pdf>

Also we are uncertain as to the intended relationship of items (a) to (e) in the policy to other policies in the Core Strategy. (a) to (e) seem to be stated as the only criteria to be met before approval can be given. In the Core Strategy there are many other considerations that may come into play in relation to an application eg DMG1 and DMG2. Whilst these policies are mentioned in the Technical Evidence section the exact relationship needs more clarity.

### **Objective 3 – Transport/Infrastructure**

Technical evidence section should refer to Core Strategy Key Statement DMI 1 Planning Obligations. This specifically relates to Bowland Plan policy BBGF7.

**BBGF6** - We are uncertain as to which planning body this policy is directed toward. We are also uncertain as to whether this is a policy as such but rather a statement of support for other, unstated, bodies' plans and road safety and traffic management? We are also uncertain as to how this could be applied to an application put to us. Are there particular traffic management projects that this statement is referring to?

**BBGF7** - As mentioned above Core Strategy Key Statement DMI1 Obligations sets out the Council's priorities in seeking Planning Obligations and these include "Improvements in highway safety..". Also within Core Strategy Chapter 8, which contains the above Key Statement, "Transport" is mentioned as an item for obligations negotiation.

Possibly there could be a better link to Appendix D item 6 here which sets out the Parish's intentions on local bus services as a Parish Action outside the neighbourhood plan. This relates to the last bullet in the policy.

**BBGF8** - We are uncertain as to the exact meaning of the final sentence of the policy – further detail would help here on the types of connection intended and also the meaning of "other communications networks".



#### **Objective 4 - Promoting Employment**

**BBGF10** - Item A includes concepts such as “significant periods of time” without defining them. Core strategy policy DMB1 contains a minimum period of marketing.

We also have concerns as to how Item B could actually be enforced should any particular site become economically unviable and be used for another purpose. As such it may conflict with DMB1.

**BBGF11** - The development of land for a potentially wide variety of employment uses could involve many considerations that go beyond the four elements mentioned in the policy. To aid clarity the relationship of these points to the various relevant Core Strategy policies such as DMB1 would help. It is important that there is no unnecessary duplication of Neighbourhood Plan policies and Core Strategy adopted policies.

**BBGF13** - Bullet 2 seems to state that tourism development can only be located within a converted building and therefore may conflict with Core Strategy policy DMB3. In general this policy seems to us to limit the nature of tourism development.

Bullet 1 may also conflict with the same policy. Also what does the word “accommodation” specifically mean in this context?

Second paragraph, all bullets points should end with ‘; and’

#### **Objective 5 – Community Facilities**

**BBGF14** - In referring to NPPF paras 76 and 77 is it the intention of the Plan to designate the list of spaces as “Local Green Spaces”? If so does it follow Planning Policy Guidance on the subject, for instance have local landowners been specifically consulted on these proposed designations? Also, if such designation is proposed, it would seem that BBGF14 is effectively a list of spaces, or a type of allocation and not a specific policy as such.

The intention to designate is made clearer in Appendix D as a Parish Action. The link to this Appendix, or perhaps some of its text would be more usefully placed as explanation of this policy.

Site 03 may potentially adversely affect the sense of ‘openness’ of 2. Stocks Green.

**BBGF15** - There may be some contradiction between this policy and Core Strategy Key Statement EC2 which states that

“Proposals that have an adverse impact on existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits”.

Also it may be difficult to insist on the provision of an alternative site that item a) appears to state. However it may be worth investigating further as a possible mitigation measure for the loss of a facility.

## **Objective 6 – Natural Environment**

Add Core Strategy policy DME6 Water Management to the list of relevant policies in the Technical Evidence section. Also it is suggested that the Forest of Bowland AONB Renewable Energy Position Statement be referred to in this section. Also reference should be made to national planning policy guidance (NPPG) on Flood Risk, in particular the sequential and exceptions tests for development within Flood Zones 2 and 3.

**BBGF16** - Bullet 3 refers to “Protecting important views” – where are these defined or what criteria will be used to define them? Are they those defined within the Landscape Character Assessment documents referred to within the technical Evidence?

**BBGF17** - Fuller reference should be made here to Planning Policy Guidance on flood risk, especially as in earlier parts of the document it was suggested that there are potential housing sites within Flood Zone 3 (see section 6 above). While The Sequential and Exceptions tests are mentioned in Section 6 (6.13) as background information they should be also brought into this policy in some detail. It is assumed that the Environment Agency, the lead flood risk advice body may well have more detailed comments to make on this policy. There may also be issues relating to the effect on visual impact of raising land levels. Further dialogue with RVBC is recommended.

**BBGF19** - This policy should be reviewed in relation to the AONB Position Statement mentioned above.