



FDC/Matter 12

**FENLAND LOCAL PLAN CORE STRATEGY
DEVELOPMENT PLAN DOCUMENT**

EXAMINATION

FENLAND DISTRICT COUNCIL STATEMENT

MATTER 12: RURAL AREAS (POLICY CS12)

Fenland District Council
Fenland Hall
County Road
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PE15 8NQ

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Fenland District Council Hearing Statement in response to Matter 12: Rural Areas – (Policy CS12)

ISSUES and QUESTIONS

Q1 – Should Policy CS12 refer to the need to consider the impact of development on the significance of heritage assets in rural areas?

The impact of any proposed development on the significance of heritage assets is set out in Policy CS18 – the Historic Environment. The Local Plan Core Strategy has been written in a way to try and make the document as succinct as possible and to purposefully avoid repetition of policies. The Council has been keen to produce a short readable document, and therefore has aimed to avoid repeating policies as much as possible.

As a result whilst not specifically mentioned in Policy CS12 the impact of development on the significance of heritage assets in rural areas is covered by Policy CS18. The Council considers this to be a pragmatic approach which seeks to cover all policy considerations without resulting in repetitive text. Policy CS18 requires the affect on all designated or undesignated heritage assets to be fully considered and sets out a number of criteria to ensure this happens. Proposals are required to:

- (a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
- (b) identify the impact of the proposed works on the special character of the asset; and
- (c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

The policy does not draw a distinction between rural and urban areas as both are considered equally important. Nonetheless the Council is mindful that criteria (g) in Part A of Policy CS 12 could be simply amended by replacing the word “archaeological” with “heritage”. This would strengthen the policy and make it more relevant for all aspects of heritage rather than just a single element (i.e. archaeology). This issue is also highlighted in the answer to Question 3 (b) in this statement.

This change is included as Proposed Modification MPC/4/022.

Q2 – Policy CS12, Part A supports new development in villages subject to a number of criteria. A criterion (a) requires the site to be in or adjacent to the existing developed footprint.

(a) Is the policy contradictory in terms of the location of development?

The first sentence of Part A of Policy CS12 uses a generic term “in villages” to highlight that this part of the policy relates to village settlements specifically as opposed to market towns, or other locations described in the policy such as the re-use and conversion of rural buildings (Part B), replacement dwellings in the countryside (Part C) agricultural/forestry dwellings (Part D) and mobile homes (Part E). It is a general statement which seeks to explain Policy CS12 as a whole and to differentiate the various elements within it.

Part A then sets out the more in-depth guidance about the issues that need to be addressed for new developments to be acceptable including in criteria (a) its location “in or adjacent to the developed footprint of the village”. The Council considers this to be a reasonable approach and

does not consider that the use of the words “in or adjacent” are contradictory with the opening line of the policy “in” villages.

However, to avoid any potential confusion or uncertainty FDC suggests that the following wording would be an acceptable alternative at the beginning of Policy CS12:

- Replace: **“Part A: New development in villages...”**
- With: **“Part A: For villages, new development...”**

This change is included as Proposed Modification MPC/4/019.

(b) Is the definition of the footprint of a village unduly restrictive / consistent with the presumption in favour of sustainable development?

The Council does not consider the definition of the footprint of a village is either unduly restrictive or inconsistent with the presumption in favour of sustainable development. The definition of the footprint is set out as the starting point for the consideration of the criteria in Part A.

In the absence of a Development Area Boundary (DAB) the definition of the footprint of the village provides guidance as to what the village settlement is considered to be. It is against this starting point that the criteria are then used to assess proposals for new developments. The criteria are based on acknowledged sustainability principles and provide the vehicle for allowing sustainable developments to be supported where appropriate.

The Council acknowledges that sustainability is a relative term, and hence there will inevitably be a variety of ways and grades to establish what comprises sustainable development. However, the Council considers that its approach of defining the footprint of the village combined with the criteria set out in Part A is a robust process for delivering sustainable development for villages and is in accordance with both Policy CS1 of the Local Plan and the NPPF.

Indeed the Council considers that its “criteria based” approach, rather than the traditional “village envelope limit” or “DAB” approach should allow sustainable developments to come forward which might otherwise not happen with the more restrictive traditional policy.

FDC is therefore confident that the definition of the footprint of the village combined with the criteria in Part A is not unduly restrictive and is fully consistent with the presumption in favour of sustainable development.

(c) Is the wording consistent with the implementation and monitoring Framework which will measure the number of net additional dwellings in open countryside ‘not adjoining an existing settlement’?

As a point of clarification the wording in the Implementation and Monitoring Framework (IMF) referred to the above question relates to Policy CS3 as opposed to Policy CS12.

The Council though accepts that there could be some uncertainty as a result of the wording in the IMF for both Policies CS3 and CS12. To provide consistency with the policies FDC suggests the following amendment is included as an indicator with reference to both CS3 and CS12 in the Schedule of Changes:

- *Number of net additional dwellings in the open countryside which are removed from and are not adjoining an existing settlement in the settlement hierarchy. Target to minimise.*

The amendment would replace indicator bullet point 2 in Policy CS3 of the IMF.

The amendment would also be an additional indicator in Policy CS12 of the IMF.

The Council considers that this change would be consistent with the wording and allow effective monitoring of both Policies CS3 and CS12.

These changes are included as Proposed Modifications MPC/7/004 and MPC/7/005.

Q3 – Is Policy CS12 and the supporting text, consistent with the NPPF in terms of:

(a) the Council’s approach to development in the countryside (see Part A (c))? The NPPF refers to local planning authorities ‘recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’ rather than ‘strictly controlling it’?

This question has been partly addressed in the Council’s response to Question 10 of Matter 2 – Policy CS3. In the Council’s Statement for Matter 2 we have suggested a proposed modification to the supporting text of Policy CS3 in Paragraph 3.4.3 to better reflect the wording of the NPPF.

The Council, though, does consider that Policy CS12 is consistent with the NPPF in recognising the value of the character of the countryside and providing scope for rural communities to thrive in a sustainable manner. No change to Part A (c) of Policy CS12 is therefore suggested.

(b) Part A (g)? The NPPF refers to heritage assets (as does Policy CS6);

The Council accepts that the use of the word “heritage” is a more widely embracing term than “archaeological” and would be more consistent with the NPPF, Policy CS6, and other policies in the plan and provide additional value to CS12. Please also see the response to Question 1 of this statement.

The Council therefore suggests a change is made to the plan. Part A (g) of Policy CS12 is therefore proposed to be amended – see Proposed Modification MPC/4/022.

(c) Part A (i) having regard to paragraph 112 of the NPPF?

The Council considers that Part A (i) is consistent with paragraph 112 of the NPPF in that it recognises the benefits of retaining as much of the higher grades of agricultural land as possible in preference to lower grades. The policy ensures that an applicant will need to take into account and fully assess the various options for the location of a proposed development in or around a village based on the quality of agricultural land to be used.

As with the NPPF the policy seeks to retain the higher grades of agricultural land wherever possible, and only use them for development after lower grades of land have been considered. No change to Part A (i) of Policy CS12 is therefore suggested.

(d) Part B (b) which requires applicants to demonstrate there is no demand for the use of rural buildings for employment purposes prior to consideration of residential use?

The Council considers that its approach is broadly consistent with the NPPF in this respect.

Paragraph 28 (bullet point 1) of the NPPF supports the conversion of existing rural buildings to promote a strong rural economy.

Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Only in special circumstances (such as the re-use of redundant or disused buildings - bullet point 3) should isolated new homes in the countryside be allowed.

Policy CS12 does allow for the conversion of a rural building to residential use but seeks to ensure that the possibility of using it for business purposes to assist in providing a prosperous rural economy is fully explored in the first instance. The Council considers that the policy provides an appropriate balance between promoting a strong rural economy with the possibility of a residential conversion which may not be in the most sustainable location but would assist in the preservation of the building, is one which is broadly consistent with the NPPF.

However for clarity and greater consistency with the terminology of the NPPF the Council suggests that in criteria (b) of Part B the term “employment purposes” should be changed to “business purposes” - see Proposed Modification MPC/4/023.

Q4 - Is the requirement to demonstrate evidence of strong local community support for schemes within or on the edge of a village which would increase the number of dwellings in the village by 10% or more or for non-dwellings exceed the specified floorspace or operational area, justified locally?

Yes, the Council considers this is an important part of the policy in ensuring that new developments in villages which exceed a 10% limit, or for non-dwellings exceed the floorspace or operational area, are supported by local people. The Council’s “Village Thresholds Evidence Report” (CD033) provides details of the amount of new housing that will be allowed in each village before the 10% threshold is breached.

FDC’s adoption of a criteria based approach as opposed to the traditional village envelope limit or Development Area Boundary (DAB) i.e. a line drawn on a map restricting developments, means that there may be a significant number of sites which could come forward for development in or around each village.

The Council is also mindful that there is support for some new growth in villages but this is not necessarily shared by all local people. This is evidenced by the responses received as part of the Core Strategy public consultation process, and responses to recent planning applications in a number of Fenland settlements.

In order to strike an appropriate balance between allowing some new growth in villages to enable these settlements to thrive (in line with NPPF advice) but not permitting an excessive amount of development without the support of local people, FDC considers it important to have a mechanism in place to control the quantity of new developments. The 10% threshold therefore provides an appropriate back stop to prevent unrestrained housing growth in any village without the full and demonstrable support of local people.

This approach is fully in line with the Localism Act and Neighbourhood Planning which seeks to give local people a much greater say in how their area is planned. FDC recognises that in line with government policy there is now a growing expectation from the public that local people should have much more control in how their area is run and planned.

Whilst there has been a slow start, in the last three months a number of town and parish councils have been actively seeking to produce a Neighbourhood Plan. FDC has received one application from March Town Council and is aware of a number of other town and parish Council’s which are actively considering the option, with presentations and advice given by FDC officers to those Councils.

A Neighbourhood Plan requires the support of the local community through the referendum process following full scale involvement of that community as part of the development and consultation on the plan. Policy CS12 therefore supports this approach, but also allows villages which do not have a Neighbourhood Plan to have a mechanism in place to allow some control over new developments in their area. FDC considers this to be a reasonable and relevant part of the policy and is confident that this is justified locally.