

# **SCOTFORTH RURAL NEIGHBOURHOOD DEVELOPMENT PLAN**

**Report to Lancaster City Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA**

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**April 2026**

# Contents

1.	Executive Summary	3
2.	Introduction	4
3.	Compliance with matters other than the Basic Conditions	7
	Qualifying body	7
	Neighbourhood Area	7
	Land use issues	7
	Plan period	7
	Excluded development	8
4.	Consultation	9
5.	General comments on the Plan's presentation	11
	Vision and Objectives	11
	Other issues	11
6.	Compliance with the Basic Conditions	13
	National planning policy	13
	Sustainable development	14
	Development plan	14
	Strategic Environmental Assessment (SEA)	14
	Habitats Regulations Assessment (HRA)	15
	Other European obligations	15
7.	Detailed comments on the Plan policies	16
	Bairrigg Village, Burrow Heights and Lower Burrow	16
	Natural Environment	20
	Built Environment and Design	25
	Flooding and Drainage	27
	Accessibility	28
8.	Recommendation and Referendum Area	30

# 1. Executive Summary

1. I was appointed by Lancaster City Council with the support of Scotforth Parish Council to conduct the independent examination of the Scotforth Rural Neighbourhood Development Plan.
2. I undertook the examination by reviewing the submitted Plan, associated documents and written representations.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Scotforth. It is based on an effective programme of public consultation which has informed a Vision to 2031. This is to be achieved through a set of four objectives delivered through nine planning policies largely dealing with matters distinct to the locality. The Plan is supported by a Consultation Statement and Basic Conditions Statement along with Strategic Environmental Assessment and Habitats Regulations Assessment Screening reports. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority.
4. I have considered the nine separate representations made on the submitted Plan. These are addressed in this report as appropriate.
5. Subject to the recommended modifications set out in this report I conclude that the Scotforth Rural Neighbourhood Development Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommended modifications.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Scotforth Neighbourhood Area.

## 2. Introduction

7. This report sets out the findings of my independent examination of the Scotforth Rural Neighbourhood Development Plan. The Plan was submitted to Lancaster City Council by Scotforth Parish Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Scotforth Rural Neighbourhood Development Plan by Lancaster City Council with the agreement of Scotforth Parish Council.

9. I am independent of Scotforth Parish Council and Lancaster City Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the neighbourhood plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Scotforth Neighbourhood Development Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental Assessment Screening report
- the Habitats Regulations Screening report
- the relevant parts of the adopted development plan, comprising Local Plan Part One: Strategic Policies and Land Allocations (climate emergency review) and Local Plan Part Two: Development Management (climate emergency review)
- representations made on the submitted neighbourhood plan
- relevant material held on the Scotforth Parish Council and Lancaster City Council websites
- National Planning Policy Framework
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was largely prepared in relationship to the revised National Planning Policy Framework (NPPF) in December 2024. The Plan was submitted to Lancaster City Council on 4 August 2025 and the policies of the December 2024 version of the NPPF apply for all neighbourhood plans submitted on or after 12 March 2025 (paragraph 239, NPPF).

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that

the examination could be undertaken by written representations without the need for a hearing.

16. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Existing wording is in “*italics*”. Other modifications, including to the supporting text, are also recommended and these are not in bold. The recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are numbered from OM1 and indicated by [square brackets]. Some further changes will also be needed to the supporting text and documents consequential to both the modifications and the progress of the Plan to referendum. These should be agreed between Lancaster City Council and Scotforth Parish Council.

17. Producing the Scotforth Rural Neighbourhood Development Plan has clearly involved significant effort since 2022 led by the Steering Group. The process is informed by significant community involvement. There is evidence of collaboration with Lancaster City Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard to prepare the Plan is to be commended and I would like to thank all those at Scotforth Parish Council and Lancaster City Council who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

18. I am required to check compliance of the Plan with a number of matters.

#### Qualifying body

19. The neighbourhood plan has been prepared by a suitable Qualifying Body – Scotforth Parish Council – which being a parish council is the only organisation which can prepare a neighbourhood plan for the area.

#### Neighbourhood Area

20. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which was designated by Lancaster City Council on 27 January 2023. It is noted that the neighbourhood area is not contiguous.

21. The boundary of the neighbourhood area is shown in Map 1. This is both small scale and an extract from another document and is insufficient for the purposes of providing clarity as to the precise boundary. The original and clearer copy of the map of the boundary is available online from Lancaster City Council [here](#) and it is also available on the Local Plan Policies Map.

OM1 – [Provide a link to the online map showing the boundary of the designated neighbourhood area]

#### Land use issues

22. I am satisfied that the Plan’s policies relate to relevant land use planning issues.

#### Plan period

23. The period of the neighbourhood plan runs to 2031. The period is shown on the Plan cover and is consistent with the Vision. It is a shorter time period than usual but aligns with the current Local Plan.

Excluded development

24. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

## 4. Consultation

25. I have reviewed the Consultation Statement and relevant information provided on the Scotforth Rural Neighbourhood Development Plan website. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first developed in 2022. Details of consultation materials are included and there is a detailed summary of representations received and how they have been handled. The consultation was guided by a Steering Group and this included members of the local community.

26. The preparation of the neighbourhood plan has been open and transparent with adequate levels of participation. It included two informal consultations - on issues and options in 2023 and on an informal draft plan in 2024 - ahead of formal consultation on the draft Plan. A report on progress was regularly published. A number of different engagement methods have been used, including a website, public meetings, newsletters and direct emails. Information has been distributed to every household. Venues outside the neighbourhood area have been used for events given the lack of any appropriate alternatives.

27. Background papers have been produced on key aspects of the Plan which provide necessary evidence to support its contents. These have been made available online. There has been technical and other support provided by experienced consultants. There is evidence of local landowners and developers having been specifically consulted on the emerging proposals. Lancaster City Council has been involved during the consultation process.

28. The Plan was subject to Regulation 14 consultation between 17 February and 31 March 2025. The consultation included a summary which was delivered to all households along with the Parish Council Newsletter. Notices were placed on Parish Council notice boards and consultation bodies and local groups and organisations were notified directly by email or letter. Notices were also placed on the Parish Council's website and social media.

Some hard copies of the Plan and the Design Guide and Codes were made available to loan. All the information was published online. A drop in event was convened nearby at Lancaster University. There is evidence of the consultation including the required statutory and other consultees and developers and landowners were included.

29. There were responses from 36 residents, 11 consultation bodies and local organisations, the local authority and four representations from landowners and bodies representing development interests. A comprehensive report on the issues raised is provided in the Consultation Statement and there is significant evidence of changes being made to the Plan.

30. Nine separate representations have been made on the submitted Plan, including from residents, Lancaster City Council and on behalf of development interests. All the representations have been considered as part of the examination and are addressed as appropriate in this report. Scotforth Parish Council was given an opportunity to comment on the representations received.

31. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. The Plan has been subject to appropriate public consultation at different stages in its development. Participation rates have been adequate and appropriate opportunities to shape the Plan as it has developed have been provided. Local landowners, statutory consultees, other stakeholders and the local planning authority have been engaged through the process.

## 5. General comments on the Plan's presentation

### Vision and Objectives

32. The Plan includes a Vision for Scotforth Parish in 2031. This presents a positive ambition for the community in its landscape and environment. The overall approach is accommodating of appropriate development and addresses a need for investment in infrastructure to support larger scale development. The Vision is consistent with sustainable development and this is complemented by the Plan's four objectives and nine policies. There is also a reference to "Actions" in Objective 4 although the reference to Appendix 3 points to design principles and these are already considered in the Plan's policies.

- M1 – Delete "*and Actions in Appendix 3*" in Objective 4

### Other issues

33. The Plan is generally clearly structured and has a consistent format. A number of policies add value to existing Local Plan and national planning policy. This is commendable. It addresses the expectation in national Planning Practice Guidance that neighbourhood plans should "*be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*" (Paragraph: 041 Reference ID: 41-041-20140306,NPPG). The Policies are clearly identified by grey tinted boxes and generally supported by evidence although there are issues which I address in relation to individual policies. The Plan references background papers and other documents which make up the evidence base. I am satisfied there has been appropriate opportunity for public feedback on the key evidence base documents during their preparation. It would be helpful if the main evidence base documents were brought together in an Appendix.

34. The Plan references a "*Policies Map*" as Map 2. This is a poorly reproduced version from another document where it is also referenced as Figure 10 from Appendix A. There are similar issues with Map 2A and Map 3. Map 2 is selective in the policies it contains and is limited to a combination of Maps 2A and 3. Other issues, such as the hedgerows and trees

showing on Map 4 and the enhanced connections shown in Maps 5 and 6 are as relevant to a Policies Map for the whole Plan.

35. To provide necessary clarity these maps should be freestanding and provided at a better resolution. Map 2 should either show all relevant policies or be deleted. Where helpful an online link should be provided.

36. The Plan's paragraph numbering relates to individual chapters which makes it hard to provide clear references and multiple paragraph numbers are repeated throughout the document.

- M2 – Insert Maps 2, 2A and 3 as freestanding maps provided at a higher resolution with links where appropriate
- M3 – Expand Map 2 to address all policies or delete
- OM2 – [Provide an Annex containing the evidence base with links to the documents]
- OM3 – [Number the paragraphs sequentially from the start]

## 6. Compliance with the Basic Conditions

### National planning policy

37. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates each of the Plan’s policies and objectives to the National Planning Policy Framework (NPPF). Given the Plan was submitted on 4 August 2025 the Basic Conditions Statement correctly relates the Plan to the December 2024 version of the NPPF.

38. The Basic Conditions Statement relates the Plan’s Objectives to those of the NPPF and provides a commentary on how the Plan is consistent with relevant Parts of the NPPF. It does not provide a direct comparison of the individual policies with relevant parts of the NPPF but no instances of conflict are identified and the assessment concludes that the Plan has “*appropriate regard to the policies set out in the revised National Planning Policy Framework*”.

39. I agree with the Basic Conditions Statement that the Plan has regard to national planning policy and guidance with some exceptions as addressed in my consideration of individual policies. I recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the NPPF’s principles regarding the clarity of policies, the need for policies to be positively worded, to serve a clear purpose and to avoid duplication. These and other requirements are expressed in national planning policy and Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements, including the need to be distinct, and a number of recommended modifications are made as a result.

40. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

#### Sustainable development

41. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions Statement by relating the Plan’s Objectives to the economic, social and environmental dimensions to sustainable development. It concludes that the Plan “*includes various policies which, together, should deliver sustainable development*”. I am satisfied that the overall contribution of the Plan to sustainable development is positive and that the Plan meets this Basic Condition.

#### Development plan

42. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The Basic Conditions Statement addresses this by identifying the Local Plan’s strategic policies and relating each of the Plan’s policies to relevant ones with a brief commentary. It concludes that the Plan “*is in general conformity with strategic policies*” in the Local Plan. Lancaster City Council agrees with this assessment. I deal with the relationship of the Plan to its location in the Lancaster South Broad Location for Growth in the Local Plan in my consideration of policies SR1 and SR2.

43. I am satisfied the Plan meets this Basic Condition.

#### Strategic Environmental Assessment (SEA)

44. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A simple screening assessment of the policies in the submitted Plan was undertaken by Lancaster City Council which “*concluded that it was unlikely that the Neighbourhood Plan would result in a significant environmental effect*” and so no Strategic Environment Assessment was required. It indicates that Environment Agency, Historic England and Natural England do not disagree with this opinion and this was confirmed in the correspondence with these bodies which I was sent on request.

45. I am satisfied the Plan meets this Basic Condition.

#### Habitats Regulations Assessment (HRA)

46. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A screening assessment of the policies in the submitted plan was undertaken by Lancaster City Council. This identified five designated sites within 15km of the neighbourhood area that could be affected. The screening concluded that *“the Neighbourhood Plan is unlikely to have a likely significant effect on designated sites either alone, or in-combination with other plans or projects”*. The assessment indicates that Environment Agency and Natural England do not disagree with this conclusion and this was confirmed in the correspondence with these bodies which I was sent on request.

47. I am satisfied with the approach and conclude that the Plan meets this Basic Condition.

#### Other European obligations

48. The Plan must be compatible with European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement asserts the Plan *“is fully compatible with EU Obligations”* and no contrary evidence to the Plan meeting this Basic Condition has been presented. There is good evidence of changes being made to the Plan during its preparation. I consider that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been managed in an appropriate manner with changes made to the Plan.

49. I conclude that the Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

50. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text will need to be amended to take account of the recommended modifications and in recognition that the version going forward is no longer a draft.

### Bailrigg Village, Burrow Heights and Lower Burrow

51. **Policy SR1** – This identifies an Area of Separation and a development boundary around Bailrigg Village and establishes the policy approach to development within them.

52. The context for the Policy is the designation of Bailrigg as a “*rural village*” in Local Plan Policy SP2 to “*accommodate development that meets evidenced local needs only*” while also being located within a Broad Location for Growth identified in Local Plan Policy SG1 which included proposals for Bailrigg Garden Village that have subsequently been withdrawn. Local Plan Policy SG1 includes support for “*The creation of sufficient areas of high quality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. The delivery of such spaces and routes should make for distinct areas of separation between the new development and the urban edge of Lancaster, Bailrigg Village and Galgate*”.

53. Representations from Marrons on behalf of a consortium of developers consider the approach to be in conflict with the identification of South Lancaster as a Broad Location for Growth in the Local Plan. I do not share this view. It is for the Parish Council to decide whether the neighbourhood plan should be used to help identify significant areas of new development and/or locations which should be protected in order to respect existing local character. Contrary to the view expressed by Marrons there is no “*strategic site allocated for development in the Local Plan*” which is being constrained by the neighbourhood plan. By identifying areas which should be protected the neighbourhood plan takes its cue from the Local Plan's approach to combining strategic growth with protecting sense of place. It

provides a context for the existing and future Local Plan to consider strategic growth in other locations subject to a range of infrastructure and other considerations. I consider that the approach taken is in general conformity with the strategic approach of the Local Plan and this view is supported by Lancaster City Council.

54. Identifying an Area of Separation was envisaged as being required by the Local Plan as part of the proposals for the Broad Location for Growth and the neighbourhood plan anticipates this by establishing the approach and defining the boundaries. This builds on the specific support provided by both Local Plan Policy SG1 and Local Plan Policy EN6 for Areas of Separation albeit in the context of the Garden Village being delivered for the latter. The detail was to be considered through an Action Plan that is now no longer being taken forward. Representations from Marrons on behalf of a consortium of developers state that the Area of Separation is only to be defined through the Action Plan. While this was the preferred route at the time of producing the Local Plan there is no reason why an Area of Separation cannot be identified through a neighbourhood plan where appropriate evidence is provided.

55. Evidence supporting the boundaries of the Area of Separation and the development boundary are provided in both a background report and an analysis of the development boundary in Annex 2. The location of the boundaries is shown in Map 2A about which I have made recommendations to improve its quality. Representations from Marrons on behalf of a consortium of developers are critical of the use of existing landscape elements in defining the boundary and put forward an alternative approach which would define the boundary as part of a masterplanning process. While this approach may have future merit I am satisfied that the approach taken draws appropriately from the information currently available and provides necessary certainty for the period of the neighbourhood plan.

56. There are inconsistencies in the development boundary shown in Map 7 and that in Map 2A (which is drawn from the Landscape Character Assessment). The definition of the boundary of each of the Parcels described in Appendix 2 is also unclear. On request I was provided with a revised Map that combines Map 2A and Map 7 and further detail on the rationale for the development boundary along with an additional map showing the

Parameter Plan (Map 7A) for a previous development proposal for the area. I recommend that the revised Maps are used and the additional information justifying the boundary and explaining the maps is included. It is an option to show the development boundary and Area of Separation in a single map rather than repeating the information in Maps 2A and 7.

57. As well as defining the boundaries Policy SR1 establishes the approach to development both within the Area of Separation and inside the development boundary. The approach to development in Areas of Separation is broadly consistent with that in Local Plan Policy EN6 and I do not recommend significant changes despite some of the wording being more negative than is usually appropriate in a neighbourhood plan. I recommend that the Policy also addresses "*overall distinctiveness*" to maintain consistency with Local Plan Policy EN6. The approach to development permitted in the Area of Separation includes examples and these are more appropriately located in the supporting text.

58. The approach to development meeting local needs within the development boundary is consistent with Local Plan Policy SP2. The last two sentences relating to heritage assets serve no clear purpose. They address issues already considered in national planning policy and lack clarity through the use of alternative wording to achieve similar ends.

59. The Area of Separation and the development boundary are both individually significant designations and, although not a matter for the Basic Conditions, the Plan would be clearer if they were presented in separate policies.

60. Policy SR1 does not meet the Basic Conditions.

- **M4 – Amend Policy SR1 to**
  - **In the first paragraph delete from "*Village*" to end and insert "is identified in Map ?."**
  - **Insert "*and affect overall distinctiveness*" at the end of the second paragraph**

- In the third paragraph move the second sentence into the supporting text (page 16, paragraph 5) retaining the rest of the paragraph
  - In the first sentence of the fourth paragraph delete from “*identified*” to end and insert “in Map ?.”
  - In the fourth paragraph delete the last two sentences
- M5 – Show a consistent development boundary in Maps throughout the Plan and Landscape Character Assessment and the boundary of each Parcel in an updated Map 7
  - OM4 – [Include additional detail in Appendix 2 justifying the development boundary according to the parcels shown in Map 7 and explain new Map 7A]
  - OM5 – [Separate the designation of the Area of Separation and development boundary into two policies]

61. **Policy SR2** – This establishes the policy approach to small scale development in the Burrow Heights and Lower Burrow Local Character Area.

62. This Policy addresses the other area of significant development in the parish. It is informed by the Landscape Character Assessment and an “Evidence Document” that addresses the distinctive Burrow Heights drumlin. The area makes an important contribution to the setting of the Forest of Bowland National Landscape. The *Design Guidance and Codes* states that as a principle that development should “*protect drumlin tops to maintain the character of the landscape*” (paragraph 3.1). Representations from Marrons on behalf of a consortium of developers suggest the approach is too restrictive and the impact of significant development can be managed through effective masterplanning. I share the view that some of the drafting is unduly restrictive in stating what “*must*” be respected and what will “*only*” be acceptable but otherwise consider there to be sufficient flexibility in the approach.

63. Representations from Marrons on behalf of a consortium of developers contest that the approach to allowing only small scale development meeting evidenced local needs in Burrow Heights and Lower Burrow is not in conformity with the strategic policies of the

Local Plan. Given neither is identified in the settlement hierarchy in Local Plan Policy SP2 they are both settlements which “*will accommodate development that meets evidenced local needs only*”. Consequently I am content that the approach is in conformity with the Local Plan.

64. The character area is referenced as being shown in Map 2 although Map 3 is focused on providing information on the character areas and Map 2 is intended as a comprehensive map of all policies. I have made recommendations elsewhere about the need to improve the clarity of these maps.

65. As with Policy SR1 the paragraph relating to heritage assets serves no clear purpose. It addresses issues already considered in national planning policy and lacks clarity through the use of alternative wording to achieve similar ends.

66. The Policy drafting lacks clarity in some instances and there is a tautology in stating that linear development leading to an unacceptable extension will not be acceptable.

67. Policy SR2 does not meet the Basic Conditions.

- **M6 - Amend Policy SR2 to:**
  - **In the first paragraph replace “on Map 2 Scotforth Rural Neighbourhood Development Plan Policies Map,” with “in Map 3”**
  - **Replace the last sentence of the second paragraph with “Linear development which would lead to a significant extension of the settlement along the roadside should be avoided.”**
  - **Delete the third paragraph**
  - **In the final paragraph replace “must” with “should” and delete “only”**

#### Natural Environment

68. **Policy SR3** – This identifies areas of local landscape character and establishes the policy approach to development within them, including identifying specific features in the four character areas which may experience development.

69. The Plan is supported by a Landscape Character Assessment that identifies and describes six local landscape character areas. These are shown in both Maps 2 and 3 with the latter showing only the character areas.

70. In addition to development respecting local landscape character the Policy states it must be in accordance with the Design Codes. This duplicates Policy SR6 and serves no clear purpose. The final paragraph relating to drumlins, rights of way and agricultural land also duplicates other Plan policies or, in the case of agricultural land, addresses an issue on which no evidence for the neighbourhood area is provided and which is already considered in national planning (paragraph 187, NPPF) and Local Plan policy.

71. There are other minor drafting changes which will improve the Policy's clarity. I also recommend deleting the second sentence of the supporting text in paragraph 3 on page 24 which does not relate to the first sentence and is addressed in paragraph 8 on page 25.

72. Policy SR3 does not meet the Basic Conditions.

- **M7 – Amend policy SR3 to:**
  - **Replace the first sentence with “Development proposals should respect the local landscape character of the character area shown in Map 3 within which they are located.”**
  - **Delete the last three paragraphs**
  
- **OM6 – [Delete the second sentence of paragraph 3 on page 24]**

73. **Policy SR4** – This addresses the impact of development on trees, woodland and hedgerows, including identifying where this makes an important contribution to local Green Infrastructure.

74. The Policy is consistent with Local Plan Policy DM45 and there is clear public support for its approach. Local detail is provided by Map 4 which uses an Ordnance Survey base to

show areas of woodland to which hedgerows, hedge and tree mix and stand-alone trees are added. The source of the information is unclear and on request I was informed it is based on survey work undertaken by a student volunteer and developed by members of the Steering Group. A small number of veteran trees protected by Tree Preservation Orders have been omitted from Map 4 and I am content with them being included in an updated Map which also makes other minor amends as provided on request. I was informed by the Parish Council that the “*stand alone*” trees comprise a selection of veteran trees and recommend that the wording of the Map and Policy is consistent. Map 4 should be more clearly reproduced to ensure the detail is legible and a source provided.

75. Some additional information is provided by the *Environment and Biodiversity: Hedgerows, Trees & Woodland* report produced as part of the evidence base. This is limited to demonstrating public support and providing photographs typical of the area.

76. The Policy requires development to “*retain and enhance all hedgerows, trees and woodland*”, including but not limited to those identified in Map 4. I share Lancaster City Council’s view that this is unduly restrictive and unrealistic. It would preclude, for example, a simple opening through a hedgerow to provide access and while positive enhancement may be desirable and supported it is not appropriate to make it a planning requirement.

77. The Policy establishes a requirement to replace lost trees at a ratio of 3:1 and to provide a double length replacement for lost hedgerows. On request I was informed that this was justified on the grounds that it is consistent with Lancaster City Council’s policy and I recommend that this is referenced. The City Council’s policy relates to replacement of “*mature*” trees and at a “*ratio*” of 3:1. The justification for the approach to hedgerows being faster maturing and so requiring a lower replacement ratio should also be provided in the supporting text.

78. In conjunction with the Local Plan and the City Council’s tree policy, Policy SR4 provides a basis for conditions over the time of planting and future maintenance of newly planted trees. This addresses concerns raised in representations from Philip Withnall about loss due to lack of watering or planting out of season.

79. “Hedge” and “hedgerow” are used interchangeably and in the absence of a definition distinguishing between them I recommend consistent use of the term “hedgerow”. The second paragraph makes two references to “*hedges and hedgerows*” when the intention is to reference “woodland”. Part 3 of the second paragraph omits to identify “veteran trees”.

80. Part 8 seeking to avoid loss of “*identifiable deciduous woodland or hedge/hedgerow*” serves no clear purpose given the requirement established in the first paragraph and no evidence is provided as to the particular value of “deciduous” over other woodland.

81. Policy SR4 does not meet the Basic Conditions.

- **M8 – Amend Policy SR4 to:**

- In the first paragraph insert “wherever possible” before “*including*”
- In Part 1 replace “*arboriculture*” with “arboricultural”
- In Part 3 insert “trees” after “veteran”
- In Part 5 insert “mature” before “trees” in the first line and replace “rate” with “ratio”
- Delete Part 8

- M9 – Reproduce Map 4 more clearly and make amends to replace “*Stand alone*” with “Select Veteran” in the key, make the proposed updates and provide a source
- OM7 – [Be consistent in the use of “hedge” or “hedgerow” throughout the Plan]
- OM8 – [Explain the 3:1 tree replacement ratio and 2:1 hedgerow replacement ratio and provide a link to Lancaster City Council’s tree policy in the supporting text]

82. **Policy SR5** – This establishes the approach to protecting wildlife and improving biodiversity.

83. Neighbourhood plans should *“be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”* (Paragraph: 041 Reference ID: 41-041-20140306,NPPG). Their policies should also *“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area ”* (paragraph 16, NPPF).

84. The first paragraph of Policy SR5 addresses the impact of development on international and national sites designated for their wildlife importance. This is clearly a strategic issue beyond the scope of a neighbourhood plan and addressed in both national planning policy (Chapter 15, NPPF) and the Local Plan (e.g. Policy EN7). These ensure appropriate safeguards are in place for the protection of designated sites.

85. The second paragraph provides a general policy approach to development impacting on the natural environment and the first part of the third paragraph repeats a legal requirement to achieve biodiversity net gain of 10%. This serves no clear purpose. The issue of whether biodiversity net gain should be delivered onsite unless this is not possible is already addressed in the Biodiversity Gain Hierarchy in Planning Practice Guidance (PPG, Paragraph: 008 Reference ID: 74-008-20240214).

86. The last part of the third paragraph identifies locally appropriate opportunities for improving biodiversity in the neighbourhood area. I recommend modifying the Policy so it is focused on these considerations which are distinct to the neighbourhood area.

87. Policy SR5 does not meet the Basic Conditions.

- **M10 - Replace Policy SR5 with “Development proposals should protect and enhance biodiversity in the neighbourhood area, including wherever possible the opportunities for restoration of areas of marsh or carr habitat along any of the local water courses and improvements to trees, woodland and hedgerows.”**

## Built Environment and Design

88. **Policy SR6** – This addresses the design of development and a requirement for it to be in accordance with the Scotforth Design Guide and Codes.

89. The Policy is supported by the *Scotforth Rural Neighbourhood Plan Design Guide and Codes* prepared by AECOM under the Government’s Neighbourhood Planning Support Programme. This is a significant document and provides both design principles and codes for small scale housing development (addressed in Policy SR6) and innovative sustainable design (addressed in Policy SR7). The key extracts are provided in Appendix 4. It has been subjected to public consultation alongside the Plan. Although there is some confusion in the use of “guide”, “principles” and “code(s)” in the document I am content with the approach. A direct link to the document should be provided.

90. The design principles relate to all forms of development while the design code relates only to small scale housing development. I share the view expressed in representations from Marrons on behalf of a consortium of developers that this should be made clearer in the policy drafting. The first and last paragraphs paraphrase the design principles and for the sake of clarity I recommend their deletion. For the sake of clarity I also recommend that reference is made only to the design code rather than selectively including its contents in the second paragraph. The Policy is unduly restrictive in stating the design “*must*” be in accordance with the design principles and codes.

91. Given Appendix 4 relates to policies earlier in the Plan than Appendix 3 which relates to Policy SR9 it would be sensible to re-order the Appendices so the Design Principles and Codes come before the measures to improve accessibility although I also recommend deletion of Appendix 3 in my consideration of Policy SR9.

92. Policy SR6 does not meet the Basic Conditions.

- **M11 – Replace Policy SR6 with:**

**“Development proposals will be expected to demonstrate high quality and sensitive designs which should be in accordance with the design principles**

**of the *Scotforth Rural Neighbourhood Plan Design Guide and Codes* (see Appendix 4).**

**Proposals for small scale housing development should be in accordance with the design codes of the *Scotforth Rural Neighbourhood Plan Design Guide and Codes* (see Appendix 4)."**

- OM9 – [Re-order and number the Appendices to align with the sequence of policies in the Plan]

93. **Policy SR7** – This provides support for high standards of sustainable design, including development in accordance with the design codes for innovative sustainable design.

94. The Policy is supported by the *Scotforth Rural Neighbourhood Plan Design Guide and Codes* and I recommend the same approach to addressing this as in Policy SR6.

95. The first two paragraphs duplicate existing national and Local Plan requirements and serve no clear purpose.

96. The fourth paragraph recognises that high sustainability standards may result in innovative design and supports this whilst remaining sympathetic to local character. This serves a purpose in expanding on an aspect of the design codes. There is, however, no further evidence to justify the approach to use and sourcing of local materials which goes beyond the design principles and codes.

97. The fifth paragraph duplicates the design code on the orientation of buildings. It introduces a specific balance in favour of improved sustainability over building location. I requested further evidence justifying this approach which is not considered in the design codes. I was informed that this reflected concerns of the Steering Group members to provide clarification should there be conflict between an alignment with the street scene and optimal orientation for sustainable design. I do not consider this to provide a sound justification for tilting the weight to be attached to different planning considerations and am

satisfied the approach is best addressed as recommended in modifications to the fourth paragraph in relation to innovative design.

98. Policy SR7 does not meet the Basic Conditions.

- **M12 – Amend Policy SR7 to:**
  - **Delete the first two paragraphs**
  - **Replace the third paragraph with “Development proposals should incorporate innovative sustainable design wherever possible and for small scale housing development be in accordance with the design codes of the *Scotforth Rural Neighbourhood Plan Design Guide and Codes* (see Appendix 4).”**
  - **Delete the first sentence of the fourth paragraph and replace “*Regardless, innovative design and construction will still be expected to*” with “Such innovative design and construction should”**
  - **Delete the fifth paragraph**

#### Flooding and Drainage

99. **Policy SR8** – This addresses the need to improve drainage and reduce flood risk.

100. The Policy is supported by a commissioned “Technical Note” which examined drainage in Bailrigg, Lower Burrow and Burrow Heights and confirmed some surface water flooding issues. This local insight is not addressed directly in the Policy and the surface water and flooding issues identified are common to many areas. The Policy drafting is generic in its approach.

101. The matters identified are addressed in national planning policy (e.g. paragraph 170ff, NPPF) which also identifies sustainable drainage and flood risk management as strategic issues. As recognised in the supporting text the Local Plan also addresses flooding and water management issues in, for example, Policy DM33 and DM34. The small scale of development envisaged in the neighbourhood plan also means new development is unlikely to trigger a requirement for sustainable drainage systems. Policies SR6 and SR7 also address

the issue through reference to the Scotforth Rural Neighbourhood Plan Design Guide and Codes which consider flooding and drainage. I conclude the Policy serves no clear purpose.

102. Policy SR8 does not meet the Basic Conditions.

- **M13 – Delete Policy SR8**

#### Accessibility

103. **Policy SR9** – This addresses an expectation for major development to contribute to active travel and improved accessibility, including specific ambitions for new connections and other improvements.

104. The Policy supports the general approach in national planning policy and Local Plan Policy DM61. It draws on a report in the evidence base prepared by the Steering Group which assesses the condition of a number of roads in the area and includes some proposals for improvements. Proposals for “*new connections*” are included in Map 5 and these are also included with further proposed “*improvements*”, including improved junctions and speed limits, in Map 6. It is noted that routes in both maps are “*indicative*”. There are inconsistencies between the Maps (including the parish boundary being included in only one Key) and some of the same routes are described in different ways. On request I was informed it would be possible to improve clarity by combining the two maps so they show both the existing connections and all proposals for improvements, including new connections. This would also address any anomalies in what was presented. The combination of the Maps also supports some recommended modifications to the Policy drafting which otherwise lacks necessary clarity.

105. A number of the routes shown in Maps 5 and 6 lie outside the neighbourhood area. I recommend these are deleted other than where they form part of a route that crosses the neighbourhood area boundary.

106. The final paragraph of the Policy references “*design principles set out in the report*” which are provided in Appendix 3 as being from Part 1 of *Promoting Accessibility, Health*

*and Wellbeing* in the Evidence Base. This content does not appear in Part 1 and on further enquiry I was informed the principles come from Part 2. Unfortunately Part 2 of *Promoting Accessibility, Health and Wellbeing* was not included among the documents published with the draft Plan when it was submitted for public consultation to Lancaster City Council. It is only available on the Scotforth Parish Council website. Although regrettable I do not consider this to be such a significant issue that additional public consultation should be undertaken. This assessment is further informed by the lack of public feedback on the issues raised in Policy SR9. Both Scotforth Parish Council and Lancaster City Council agreed with this conclusion.

107. The principles in Appendix 3 comprise a mix of proposals already addressed in Maps 5 and 6 or expectations already largely addressed in the Local Plan. It does not provide design principles and any such principles should be provided through the *Scotforth Rural Neighbourhood Plan Design Guide and Codes*. The standards set out in Local Transport Note 1/20 are already addressed by the local planning authority and highways authority. I recommend the paragraph and Appendix 3 is deleted.

108. Policy SR9 does not meet the Basic Conditions.

- **M14 – Amend Policy SR9 to:**
  - **Replace the second and third paragraphs with “Major development proposals which support implementation of the improvements and new connections shown in Map? will be supported.”**
  - **Delete the final paragraph**
- M15 – Combine Maps 5 and 6 so they show both the existing connections and all proposals for improvements, including new connections
- M16 – Delete Appendix 3

## **8. Recommendation and Referendum Area**

109. I am satisfied the Scotforth Rural Neighbourhood Development Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no representations on the referendum area and recommend it matches that of the Neighbourhood Area.