

INDEPENDENT EXAMINATION OF THE LYDIATE NEIGHBOURHOOD PLAN

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Response to the points raised by the Examiner

This response is to the points raised by the Examiner in his letter of 10th August 2018. It has been prepared by **Lydiate Parish Council** with input by **Sefton Council** where appropriate, and is dated 22nd August 2018.

1. **Did Sefton Council have any comments at the Regulation 16 stage? If so, could they please be provided?**

Response: Sefton Council did not make any formal comments at the Regulation 16 stage. Detailed comments had been provided at the Regulation 14 stage. Lydiate Parish Council has been receptive to suggested amendments and has updated the emerging plan accordingly to produce a plan Sefton Council considered meets the Basic Conditions. Sefton Council considered that as none of the policies were contrary to the strategic policies of the Local Plan there was no need to comment further. Both Sefton and Lydiate acknowledge there are a few minor issues relating to wording and clarity remaining in the plan that the Examiner may wish to address.

2. **Please provide a statement to demonstrate that the Plan is compatible with the Human Rights Convention.**

Response: This is set out in paragraph 6.1 of the Basic Condition Statement. To aid clarity it is suggested '**European Convention on Human Rights**' could be added as a heading and at the end of the paragraph the following additional words: 'and to avoid any unintentional negative impacts on particular groups. This is documented in the accompanying Consultation Statement.'

3. **Habitats Regulation Assessment Screening Report: Please supply a copy of the correspondence in which Natural England confirms that no further assessment would be required.**

Response: Please see the document appended to this response.

4. **Representations of Sport England: Please comment on the necessity or otherwise for additional content in the Plan.**

Response: No additional content is considered necessary as this is covered in policies LNP HOU1 and LNP HOU2 (part 7 of both policies) and in the Sefton Local Plan.

5. **Representation of United Utilities: Please comment on the necessity or otherwise for a separate policy on surface water management.**

Response: No additional content is considered necessary. The Parish Council prefer to defer to the Local Plan to avoid confusion on this complex technical issue.

6. **Representations of Network Rail: Please comment on the necessity or otherwise for additional text on developer contributions, sustainable drainage proposals and notification of National Rail.**

Response: No additional text is considered necessary as there is no railway within the plan area. Any cumulative impacts of development in the plan area on rail infrastructure elsewhere will be assessed in accordance with Sefton Local Plan policies.

7. **Please comment on the necessity or otherwise for the changes suggested by Historic England (expanded Introduction; additions to Vision; amendment of Objectives; reference to heritage in Policy LNP HOU1; and amendments to Policy LNP HER).**

Response: Section 1 – Lydiate Parish Council considers that the accompanying Character Assessment provides a detailed portrait of Lydiate and there are sufficient cross references to this.

Section 2 – Lydiate Parish Council considers the Parish of Lydiate to be predominantly rural in character and new developments must respect this. As such it does not wish to alter the plan’s Vision. Similarly it considers Objective 5 does not require modification.

Para 4.11 – Lydiate Parish Council considers this to be unnecessary repetition and do not agree.

LNP HOU1 – The plan should be read as a whole and therefore policy LNP DEV1 will cover this issue. No change is necessary.

LNP HER – Lydiate Parish Council agrees than an extra line should be added to the end of the first paragraph to say: ‘Any such assets identified in the future will also be subject to this policy.’

The Parish Council also agree to the suggestion that ‘aspects’ should be deleted and replaced with ‘elements’ in policy LNP HER.

8. **Having regard to the representations of Mr N Spencer, do you have any comments on the appropriateness of development at “north of Kenyon’s Lane”?**

Response: Development is appropriate on this site which is allocated in the Sefton Local Plan.

9. **Having regard to the representations of Mrs J M Sherringham, do you have any comment on making more affordable housing available for young people?**

Response: Lydiate Parish Council has been advised that the revised National Planning Policy Framework amends the definition of affordable housing and the relevant Sefton Local Plan policies are being reviewed. Any amendments will be based on evidence and the Parish Council consider it appropriate that the Neighbourhood Plan will defer to this.

- 10. Having regard to the representations of the Environment Agency, please comment on the appropriateness of the wording of Policy LNP HOU1.**

Response: Lydiate Parish Council accepts the amended wording as contained in the Environment Agency response.

- 11. Paragraph 1.11: Please confirm the date of designation (the Plan says 28 September 2015; Sefton Council's website says 25 September 2015).**

Response: The correct date is 28 September 2015. There was a factual error on Sefton's website, which has been amended to accord with the date on the [decision notice](#) available on the Council's website.

- 12. Paragraph 2.1: Should this be a Vision for 2030 (not 2027)?**

Response: Yes.

- 13. Paragraph 3.5: Bearing in mind Issue 3, is the Parish Council satisfied that the Plan contains adequate guidance with regard to developer contributions?**

Response: Guidance is set out in paragraph 5.6 and a cross reference to this could be added to paragraph 3.5 to aid clarity.

- 14. Policy LPN DEV1 ii): Is this provision also intended to apply to sites allocated in a replacement or revised Local Plan (but currently safeguarded and not yet allocated)?**

Response: Yes. Add 'or any revised or replacement Local Plan' to aid clarity. However, there is a site specific policy (LNP HOU2) in this Neighbourhood Plan for the site safeguarded in the Local Plan.

- 15. Policy LNP HOU1 iii) – access to the remainder of the site: Does this mean access to the dairy site?**

Response: Yes.

- 16. Policy LNP HOU1 vi): What is meant by "the arrangement the height of housing"?**

Response: The phrase should read 'the arrangement **and** the height of housing'

- 17. Policy LNP HOU2 i): Would it be acceptable for a master plan to be submitted as part of (at the same time as) any planning application?**

Response: Taking advice from Sefton Council who will be responsible for implementing the policy, Lydiate Parish Council prefers the wording currently used in the policy, but would accept the suggested wording as a fall-back position.

18. Policy LNP HOU2 xiv): Please clarify the expression “landscaping must incorporate the natural lay of the land”.

Response: This is clarified if ‘incorporate’ is replaced with ‘take account of’

19. Appendix 1 – Other Feature (The Gallops): What is the significance of The Gallops / why is it identified?

Response: The significance of The Gallops is set out in para 9.8 of the Character Assessment, but Lydiate Parish Council accept it is not a heritage and cultural asset suitable to be covered by policy LNP HER. However policy LNP DEV1 will be applicable. The Parish Council suggest that the yellow star and reference in the key be removed from the map in Appendix 1. Further explanation may be required in Appendix 2 of the Character Assessment to explain why this feature has not been brought forward into the plan which the Parish Council would seek to add.

From: Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 22 December 2017 11:21
To: [REDACTED]
Subject: Lydiate Neighbourhood Plan SEA/HRA Screening - NE response

Follow Up Flag: Follow up
Flag Status: Flagged

Our Ref: 232376

Dear [REDACTED],

Thank you for your consultation regarding the Lydiate Neighbourhood plan, Draft screening report dated November 2017.

Strategic Environmental Assessment (SEA) Screening

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Lydiate Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

Kind regards,

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Natural England
Consultation Service
Hornbeam House
Crewe Business Park
Electra Way,
Crewe
Cheshire, CW1 6GJ

Enquiries line: 0300 060 3900
Email: consultations@naturalengland.org.uk
www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)
For further information on the Pre-submission Screening Service see [here](#)

From: ██████████@sefton.gov.uk
Sent: 22 November 2017 11:20
To: ██████████@environment-agency.gov.uk; SPPlanning.RFH@environment-agency.gov.uk; Consultations (NE) <consultations@naturalengland.org.uk>; ██████████@HistoricEngland.org.uk
Subject: Sefton Council - SEA/HRA Screening - Lydiate Neighbourhood Plan

Dear consultees,

I attach for your comment a joint Screening Statement for:

- Strategic Environmental Assessment (SEA) and
- Habitats Regulations Assessment (HRA)

for the Lydiate Neighbourhood Plan.