

# Fenland District Council Response to Examiner's Questions on the March Neighbourhood Plan

03 May 2017

This response has been prepared on behalf of Fenland District Council (FDC) in response to the Initial Comments of the Independent Examiner, dated 13 April 2017.

FDC does not intend to respond to all questions raised by the Examiner, but for completeness all questions are repeated below along with the FDC response. Where FDC has not offered a response, this is because it is considered that it is appropriate for March Town Council (MTC), as Qualifying Body, to respond. All responses from FDC are presented in *italicised text*.

## Town Centre Uses

3. I have some comments to make about Policy TC1- entitled Primary Shopping Frontages. I note that the first criterion refers to non-retail uses exceeding 40% of the primary shopping frontages. I have a number of questions that I would appreciate a response:
  - a. Is it 40 % of the overall total number of shops which are designated as primary frontage or?
  - b. Is it 40% of the length of the overall primary frontage in the town centre? I.e. is a kiosk counted the same as a large unit?
  - c. Or is it 40% of the row of properties that the particular unit is in?

*FDC deems it appropriate for MTC to respond to this question.*

4. I would wish to know what the current percentage is and how often is the town centre surveyed and would every application require a survey to ascertain the current figure.

*The most recent review of retail capacity and provision was published in the 2009 Fenland District Retail Study Update, available on the FDC website*

<http://www.fenland.gov.uk/CHttpHandler.ashx?id=2499&p=0> and with the appendices available at <http://www.fenland.gov.uk/CHttpHandler.ashx?id=2500&p=0>. Table 3 on page 39 of the appendices includes the breakdown of retail typologies within March Town Centre and includes a percentage breakdown of these types. It should be noted that the percentage of Primary Shopping Frontage in retail use is not a measure specifically included in this review. FDC would only likely review the study in support of a new Local Plan. As such, there is currently no timetable for a review.

5. I would also invite a submission of the question of whether this measure of the health of a town centre is still a relevant consideration bearing in mind the flexibility that now exists to change the uses of Classes A1-5 which have now been introduced by the recent changes to the Town and Country (General Permitted Development) Order 2015 which allows changes of use across the classes. I am also conscious of the advice set out in paragraph 23 of the NPPF regarding town centre uses.

*FDC deems it appropriate for MTC to respond to this question.*

6. In criterion c) what level of concentration of non-retail uses would be likely to have a harmful effect on the primary shopping function of the town centre. Does the similarity of particular uses apply e.g. is it say a restaurant or café use or is it aimed at the similarity of different types of restaurants (or cafes)?

*FDC deems it appropriate for MTC to respond to this question.*

7. In exception 1. – what would “long term” mean in terms of months and is it not better to encourage any town centre use rather than having to have shops vacant for months on end?

*FDC deems it appropriate for MTC to respond to this question.*

8. Finally, I was a little surprised when reviewing the extent of what is defined as primary shopping areas that the Barclays Bank unit at the corner of Broad Street and Grays Lane, and the Post Office and also the Weatherspoon’s PH opposite. I would have thought they would all be town centre uses. Was there a reason for their omission. Was there a specific set of criteria used to define what is primary frontage.

*FDC deems it appropriate for MTC to respond to this question.*

## **Regeneration Sites**

9. Are the non-designated heritage assets designated in any other place e.g. a local list or is it the intention that the neighbourhood plan designates them. If it is the latter I will need more evidence to identify why they are buildings of local interest? Is the area of archaeological interest, a Scheduled Ancient Monument – if it is not why is it of interest and what is the extent of the area that is of interest and can it be shown as an area on the plan?

*The Buildings of Local Interest in March are identified in the March Conservation Area Appraisal and Management Strategy 2008 (which is provided accompanying this response). The 2008 document also includes reference to the high archaeological potential in paragraph 49.*

## **Open Space**

10. I am not clear how open space requirements will be sought for residential schemes on windfall sites. Can I be sent a copy of the Appendix B - Open Space Standards and I would ask how the LPA is to approach financial payments under the CIL Regulations regarding the pooling of contribution and also does it ask for them on schemes of less than 10 units following the changes in national advice on planning obligations.

*Appendix B of the Adopted Local Plan is available online at <http://www.fenland.gov.uk/CHttpHandler.ashx?id=12064&p=0> from page 99. FDC is not pursuing CIL at this time due to viability concerns with development in the district. The status on this is made clear at <http://www.fenland.gov.uk/article/10469/Community-Infrastructure-Levy-CIL>. FDC does not ask for contributions towards open space / play for sites of fewer than 10 dwellings.*

## **Housing Sites**

11. In Policy H2 how would a decision maker view a scheme of 10 or over units differently that a scheme of 9 or under. If an acceptable development was being promoted for over 9 units but the applicant had not carried out the pre-application consultation which the policy requires – would the QB expect that otherwise acceptable application, to be refused?



*FDC deems it appropriate for MTC to respond to this question.*

12. Elsewhere in the district, how is Fenland dealing with the threshold of over 10 units before affordable housing can be sought, as set out in national advice post the Reading and West Berkshire judgement being applied.

*Given the relatively new local plan in Fenland and therefore recent evidence of housing need, FDC has continued to use its local plan policy threshold which is lower than that in the ministerial statement / guidance. This position has not yet been tested at appeal and in the event of an appeal being allowed on these grounds, FDC will reconsider this stance. The application of the local plan policy on affordable housing provision is facilitated with reference to viability and affordable housing requirements may be reduced where there are demonstrable viability issues on a site.*

### **Strategic Policies**

13. I would be grateful if Fenland could indicate which Local Plan policies it considers to be strategic, in terms of the Basic Conditions test for “general conformity”.

*FDC considers that, in accordance with paragraph 156 of the NPPF, the following policies in the Fenland Local Plan are ‘Strategic’ and are relevant to the March context:*

- LP2;
- LP3;
- LP4;
- LP5;
- LP6;
- LP7;
- LP9;
- LP13;
- LP14;
- LP15;
- LP16;
- LP18; and
- LP19.