



PRCC.38 16/17

Prosperous Communities
Committee

6th December 2016

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Subject: Scothern Neighbourhood Plan Public Referendum

Report by:

Chief Operating Officer, Mark Sturgess

Contact Officer:

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Purpose / Summary:

To receive the report and recommend the progression to public referendum for the Scothern Neighbourhood Plan.

RECOMMENDATION(S): Members formally approve the Scothern Neighbourhood Plan advancing to Public Referendum, in line with the advice received from the independent Examiner.

IMPLICATIONS

Legal: This work is a duty under the Localism Act 2011 and the Neighbourhood Plan Regulations 2012 (amended).

Financial: FIN/105/17

Additional financial contributions are available from DCLG to support Neighbourhood Planning and cover the cost of the public referendum therefore there will be no additional costs to the Council.

Staffing: Neighbourhood Planning officer's role is to support each NDP group in progressing through the process.

Equality and Diversity including Human Rights :

The Scothern Neighbourhood Plan has been through an independent Examination and has been checked to see whether it does pose any issues related to Human Rights, Equality and Diversity.

Risk Assessment : n/a

Climate Related Risks and Opportunities : n/a

Title and Location of any Background Papers used in the preparation of this report:

Appendix A: Copy of the Examiner's report

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

X

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

X

No

1.0 Background to the Scothern Neighbourhood Plan

1.1 The Scothern Neighbourhood Plan area was designated on the 9th April 2015. After this, the Neighbourhood Plan Steering Group undertook a significant amount of public consultation to identify the core issues that the local community would like to see included within the Neighbourhood Plan.

1.2 Several consultations have taken place, as well as public meetings, public events, community days and discussions with local businesses.

1.3 The Neighbourhood Plan Group identified and commissioned a number of technical reports and evidence base studies in order to support the emerging Neighbourhood Plan. The evidence base was also used to inform the planning policies and justification for the various issues raised by the community.

Issues and policies included within the Neighbourhood Plan, include:

- Location of future housing
- Type and design of new development
- Protection of Local Green spaces
- Landscape and built character

2.0 Examination and Public Referendum

2.1 There are two statutory final stages in completing the Neighbourhood Plan that are the responsibility of West Lindsey District Council to organise and cover the costs for; i) the independent examination, and ii) the referendum. The independent examination has now been completed and the Independent Examiner (Andrew Ashcroft) has advised that the plan should proceed to public referendum.

2.2 Accordingly, it is now recommended that members support and approve this next stage of the process and, in line with regulations, agree the date for this to happen. The District Council must give at least 28 working days notice in advance of the start of the referendum. The qualifying body (Neighbourhood Plan Group) may campaign before the referendum.

2.3 The Scothern Public Referendum has been scheduled to take place on **Thursday the 19th January 2017.**

2.4 Members will recall from the two successful previous referendums that if more than 50% of those voting in the referendum vote 'yes', then the council will bring the plan into legal force.

3.0 Next Steps after the Referendum

3.1 If the outcome of the public referendum is supportive of the plan (i.e. more than 50% of the people who vote, vote in favour of the Plan) the Local Planning Authority must formally 'make' the Neighbourhood Plan. Again, as with the two previous 'made' plans, this will be formalised by bringing the Neighbourhood Plan back before Council for a final time. Subject to a positive outcome at public referendum, it is likely that this will be at the February (2017) Full Council meeting.

3.2 Once this has been undertaken the Neighbourhood Plan form part of the statutory planning policy requirements for the Scothern parish area.

4.0 Recommendation

4.1 **Members formally approve the Scothern Neighbourhood Plan advancing to Public Referendum, in line with the advice received from the independent Examiner.**

Scothern Neighbourhood Plan

2015-2036

**A report to West Lindsey District Council on the
Scothern Neighbourhood Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by West Lindsey District Council in September 2016 to carry out the independent examination of the Scothern Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 15 October 2016.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding local character, designating local green spaces and promoting new residential growth.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Scothern Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
7 November 2016

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Scothern Neighbourhood Plan 2015-2036 (the Plan).
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Scothern Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WLDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the WLDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 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. 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.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies.
- 2.8 WLDC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. Its Habitats Regulation Assessment (HRA) screening report concluded that the Plan was not likely to have any significant effect on a European site.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the WLDC Screening report.
- the representations made to the Plan.
- the West Linsey District Local Plan (First Review)
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 15 October 2016. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised WLDC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is well-presented and is proportionate to the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan in April – June 2016. The Statement helpfully sets out how the emerging plan took account of the various comments and representations. The table that describes the comments received and how the Plan took account of those comments is particularly helpful.
- 4.3 Section 2.4 of the Statement sets out details of the wider consultation events that have been carried out to raise awareness as part the evolution of the Plan. Details are provided about:
- the articles in the Parish magazine
 - the two village surveys
 - the creation of a website
 - the drop in session for local residents
 - the public event held in May 2016
 - the distribution of a copy of the pre-submission version of the Plan to every household in the neighbourhood area.
- 4.4 The Consultation Statement provides very useful information on the issues raised at each of the various public events and displays.
- 4.5 It is clear to me that consultation has been an important and integral part to the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. WLDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 13 September 2016. This exercise generated six comments from the following organisations:

- Highways England
- Natural England
- Anglian Water
- Historic England
- Gin Property Limited
- Enterprise Inns plc

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Scothern. It was designated as a neighbourhood area on 9 April 2015.
- 5.2 The Plan area is located to the immediate north of Lincoln. It consists principally of the village of Scothern set within its wider agricultural hinterland. The village has a tight and attractive built form. In 2011 it had a population of 860 persons.
- 5.3 The village displays both its history and its agricultural background and context in many different ways. Section 2 of the Plan indicates that like many other smaller villages Scothern no longer has a shop or a post office. Nevertheless, I saw the strong sense of community in the village on my visit to the Plan area. There is an active school, a well-used village hall, the church and the Bottle and Glass public house.

Development Plan Context

- 5.4 The West Lindsey District Local Plan (First Review) was adopted in June 2006. It sets out the basis for development in the District between 2006 and 2016. A significant part of its policies remain saved until the adoption of the emerging Central Lincolnshire Local Plan. All the policies in the Strategic section of the saved local plan are strategic policies of the development plan (see paragraph 2.5 of this report). It is this Local Plan against which I am required to examine the submitted Neighbourhood Plan. Within this saved plan the following policies are particularly relevant to the Scothern neighbourhood plan:

Policy Strat 3 in which Scothern is identified as a Primary Rural Settlement.

Policy Strat 6 which sets out a series of criteria against which applications for windfall or infill residential developments will be assessed in primary rural settlements.

Policy Strat 12 which sets out the approach to development in the open countryside.

Policy Strat 13 which identifies a series of green wedges around Lincoln.

- 5.5 The Basic Conditions Statement (in its section 5) usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 These saved policies will apply in the Plan area until the adopted Local Plan is replaced by the emerging Central Lincolnshire Local Plan.
- 5.7 The emerging Central Lincolnshire Local Plan (CLLP) 2012 to 2036 was submitted for examination in June 2016. Plainly at this stage its policies are in an emerging state

and have not been fully examined. Nevertheless, they will have an important and longer term implication on the Plan area.

- 5.8 It is clear that the submitted Plan has been prepared with an eye to the future. In doing so it has relied on up to date information and research that has underpinned the emerging neighbourhood plan. This is good practice and which reflects key elements in Planning Practice Guidance on neighbourhood planning.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 15 October 2016.
- 5.10 I parked initially in Church Street. This proved to be a good central location to walk to the more outlying elements of the village.
- 5.12 I walked to the west along Main Street to look at housing sites H1.1 and H1.2. I saw the recent huge fall of conkers from the trees in the parcel of land to the immediate north of the junction between Main Street and Heath Road. I saw that the housing site off Heath Road was largely built out. I looked around Scothern Nurseries Plant Centre on my way back to the village centre. It was very popular with both gardeners and others enjoying tea and cake.
- 5.13 I then looked at the four identified local green spaces. I saw that they were very different in both their scale and their uses and character. The information in the Green Spaces Report was particularly helpful in my understanding of the circumstances in which they had been proposed for this designation in the submitted Plan.
- 5.14 I then continued my visit by looking at the proposed housing site off Langworth Road. In doing so I was able to see the well-preserved Methodist Chapel and the adjacent Chapel Walk.
- 5.15 At various points during my visit I looked at the various residential roads and street so that I could understand the various policies in the Plan that relate to character and design.
- 5.16 In order to get a full impression of the Plan area I drove around some of the surrounding main and minor roads in the Plan area. In particular, I drove back to the main road network via Nettleham so that I could see first-hand how the village sat within the wider landscape.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Scothern Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- Always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward new housing development to meet local needs, to safeguard its character and appearance and to promote an appropriate balance between growth and

community facilities Section 3 of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.

6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to promote new residential development and to provide a positive context for working from home. In the social role, it includes policies to safeguard and extend community facilities and to consolidate and extend pedestrian and cycling routes. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it proposes innovative policies on design and local character, it identifies local green spaces and sets out a policy to safeguard the Scothern Beck.

General conformity with the strategic policies in the development plan

6.11 I have already commented in detail on the development plan context in the wider West Lindsey District Council area in paragraphs 5.4 to 5.8 of this report.

6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Section of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land. It also identifies some non-land use Community Aspirations in a separate section of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-3)

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and it is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text in these sections of the Plan.
- 7.9 Section 1 provides very clear context to the production of the Plan area and some background to the neighbourhood planning process.
- 7.10 Section 2 provides background information on the Plan area. It helps significantly in understanding its landscape and building characteristics.
- 7.11 Details are provided about the composition of households, its economic profile and the nature of the local environment. It usefully introduces the concept of the character areas. This is translated into a specific policy later in the heart of the Plan.
- 7.12 Section 3 sets out the Vision and Objectives of the Plan. It is a model exercise in setting out a clear, concise and proportionate context to the Plan. Section 4 then sets out the

various policies within the context set by the objectives. The remainder of this section of my report comments on the Plan's policies in turn.

S1: Location of New Development

- 7.13 This policy sets the scene for the Plan. It proposes that development is concentrated within the built up area of Scothern. This is entirely appropriate in this rural landscape and will contribute significantly to the promotion of sustainable development. The approach taken overlaps with that taken in the Local Plan (policy Strat 6).
- 7.14 The second element of the policy sets out the implications of its implementation. I agree that these outcomes and implications are both realistic and a natural result of the promotion of this policy approach. Nevertheless, these outcomes are not policies in their own right and should naturally sit within the supporting text. I recommend accordingly.
- 7.15 I also recommend a modification to the language used in the policy. It refers to 'a built-up area boundary'. However, a boundary is not defined on the Proposals Map. The supporting text describes the built-up area as the continuous built form and then identifies what land use elements are excluded from the built-up area. This approach reflects the approach being taken in the submitted Central Lincolnshire Local Plan 2012 -2036. I am satisfied that this approach is in general conformity with the strategic policies in the adopted local plan and has regard to national policy by taking an appropriate approach to the relationship between the adopted local plan, a submitted neighbourhood plan and an emerging local plan.

Delete 'boundary' in the first and second paragraphs of the policy

Delete 'This will ensure (and then the three bullet points)'

Insert the following additional supporting text at the end of the existing second paragraph of text at S1 'The implementation of Policy S1 will ensure (and then followed by the three bullet points recommended for deletion from the submitted policy itself)'

H1: Future Housing Need

- 7.16 This policy identifies three locations on the edge of the village where new housing development will be supported. I looked at the various sites on my visit to the Plan area. The supporting text identifies that planning permission has been granted for the development of each of these sites as the plan has been in preparation. This is not unusual and it represents a positive approach towards boosting the supply of housing land in accordance with the NPPF. I saw that a significant amount of development had already taken place on the site off Heath Road (H1.1). The supporting text identifies that the policy has been drafted in this way to facilitate future planning permissions to come forward in the event that the existing permissions lapse within the Plan period.

- 7.17 As part of the consultation process on the submitted Plan a further housing site on land off Nettleham Road was proposed by developers for inclusion in the Plan. Planning permission has been refused for its development. At the time of this examination an appeal against that decision was being considered. Plainly that matter will take its own course. The representation draws my attention to the fact that the emerging Central Lincolnshire Local Plan is currently at its own examination and that the strategic growth anticipated for Scothern may change. I acknowledge that this is a possibility. However, in that event the Parish Council would have the opportunity to review any made neighbourhood plan if it so wished. Having taking into account all the information before me I am satisfied that the submitted neighbourhood plan has properly had regard to national policy. The three housing sites identified in the Plan will have the potential to deliver around 70 new dwellings. In addition, it is clear that the relationship between the adopted local plan, the submitted neighbourhood plan and the emerging Local Plan (now at examination) has followed the principles set out in Planning Practice Guidance (41-009-20160211).
- 7.18 The approach taken is entirely pragmatic and has proved to be effective at Heath Road. The policy meets the basic conditions. Nevertheless, I recommend a change to its supporting text to reflect that development is now well underway on the Heath Road site.

*Insert the following at the end of the first paragraph of the supporting text at 4.2.1:
At the time of the submission of the Plan development was well-underway on the Heath Road site.*

H2: Housing Mix and Type

- 7.19 This policy sets out to ensure that new housing developments provide for a mix of house sizes and types. This approach is underpinned by a comprehensive Housing Survey. Evidence from that survey identifies a need for smaller dwellings both to reflect affordability issues and the ageing nature of the local population. With the latter issue in mind the policy also requires that 30% of all dwellings on sites of six houses or more should be constructed to the higher access standards as set out in Part M4(2) of the Building Regulations.
- 7.20 Both elements of the policy have been designed to meet very distinctive needs in the Plan area. I recommend a series of modifications to bring the clarity to the policy required by the NPPF. The first involves a replacement of certain words in the first paragraph with others that make its approach more applicable to the development management process and clear in intention. In particular whilst the policy as submitted refers to a mix of housing it does not link that provision back to the Housing Report. The second recommends a more specific approach on the circumstances where the higher access standards may not apply – as submitted the Plan, by definition, cannot define the exceptional circumstances that it has in mind.

In the first paragraph of the policy delete ‘seek to’. Replace its second sentence with:

‘Proposals that provide a mix of houses and which cater for the housing needs of the local community will be supported. Proposals that include one and two bedroom houses based on the local housing need will be particularly supported’.

In the second paragraph replace ‘except.... circumstances’ with ‘other than in circumstances where the commercial viability of the scheme would be unacceptably affected’.

Include an additional sentence to the end of the fourth paragraph of the supporting text at H2 to read:

Policy H2 identifies that there may be viability issues that could prevent the delivery of some sites to these higher standards. In circumstances where a developer considers this to be relevant to any particular site an open book policy should be applied to any planning application that does not include housing to the standard required’.

D1: Design and Character

- 7.21 This is an important policy in the Plan. It sets out design standards for new development. These standards have been prepared within the context of a Character Assessment that has been submitted with the Plan.
- 7.22 The Character Assessment is an impressive document. It sets out some historic background to the settlement as a context to its built development. It goes on to identify five Character Areas as follows:
- The Historic Core area
 - The Dunholme Road area
 - The Nettleham Road area
 - The Sudbrooke Road area
 - The Langworth Road area
- 7.23 Within each of these five sections further information is provided on the character and appearance of the area. In some cases, this is done on a road/street basis.
- 7.24 I am satisfied that the Character Assessment that underpins this policy meets the basic conditions. It is an excellent interpretation of the type of design and character information that paragraphs 59 and 60 of the NPPF anticipate would come forward at local level. They seek to promote and reinforce local distinctiveness.
- 7.25 The policy itself is well-constructed and criteria based. The criteria address an appropriate range of matters that are distinctive to the Plan area. I recommend a series of modifications to the policy so that it has the clarity required by the NPPF and to ensure that the criteria are worded in a positive and a consistent fashion.

Replace ‘are encouraged to have’ with ‘will be supported where they have’.

In the third bullet point replace ‘do not unacceptably erode’ with ‘respect and safeguard’.

In the seventh bullet point delete ‘take every opportunity....to’.

T1: Parking Standards

- 7.26 This policy sets out to identify specific car parking standards in the Plan area. It reflects concerns about on street parking and the levels of congestion experienced around the school at peak times
- 7.27 The standards proposed are reasonable and appropriate. The policy meets the basic conditions.

T2: Pedestrian and Cycle Routes

- 7.28 The policy sets out that new developments should provide safe and accessible pedestrian and cycle routes. It is well constructed and reflects the feedback from resident surveys
- 7.29 The policy meets the basic conditions.

B1: Working from Home

- 7.30 This policy has been designed to facilitate a more sustainable community. The Plan identifies that many people of working age do so elsewhere. The supporting text usefully clarifies that working from home does not necessarily require planning permission. The policy itself is criteria based and addresses an appropriate range of environmental matters.
- 7.31 The policy meets the basic conditions

E1: Local Green Space

- 7.32 The Plan proposes four local green spaces. The supporting text correctly sets out the three criteria in paragraph 77 of the NPPF for the designation of local green spaces. More detailed evidence and justification is set out in a separate Green Spaces report. I comment on each of the local green spaces in the following paragraphs.
- 7.33 The village hall playing fields (LGS1) is an attractive open space to the north of the village hall. It has a pleasant mix of children’s play equipment, a cricket pitch and a football pitch. It is in close proximity to the village and is local in scale. It is well-used for a variety of purposes and is demonstrably special to the local community. Its designation is entirely appropriate.

- 7.34 Grange Park (LGS2) is an attractive park with mature hedges, trees and wildflowers. It crossed and intersected by a series of footpaths and is a remarkable haven of space and beauty in the centre of the village. I saw on my visit that several houses had designed their rear gardens so that they were visually open to the Park. It comfortably meets the three criteria in the NPPF to be designated as a local green space. It is exactly the type of local green spaces that the authors of the NPPF must have had in mind when drafting this element of national policy.
- 7.35 The Bottle and Glass Beer Garden (LGS4) is a beer garden associated with the public house. The beer garden is located to the west of the building itself and is adjacent to the associated car park. Following my visit to the Plan area I was satisfied that the proposed local green space was in close proximity to the community it serves (it is at the heart of the village) and is local in scale (it is 0.1 hectare in size).
- 7.36 I sought clarification from WLDC and the Parish Council on the extent to which it was demonstrably special to the local community. The information provided in the Green Spaces report was in my view insufficient to justify its designation on four of the five assessment factors identified. However, I was keen to understand the evidence underpinning the comment in the Green Spaces report that it was the last remaining part of the village green. I sought the views of the site owners on the additional information received. The owners had made an objection to the designation of the site as local green space during the consultation process on the submitted Plan.
- 7.37 The Parish Council supplied a very helpful set of historic maps together with commentary on the evolution of the village. Detailed references are made in the additional information to published material (Everson and Stocker, *Custodians of Continuity? The Premonstratensian Abbey at Barlings and the Landscape of Ritual*, Heritage Trust of Lincolnshire, 2011). In response to this additional information planning consultants acting on behalf of the owners challenged the assumptions and assertions in the Parish Council's report. My attention was also drawn to the work carried out as part of the emerging Central Lincolnshire Local Plan. Its Evidence Report 24 on Local Green Space and other Important Open Space (April 2016) had considered the site (in that document identified as LGS FD6) was not demonstrably special to the local community. Having carefully assessed all the information presented to me I conclude that there is insufficient detailed evidence to support the Parish Council's assertion that the proposed local green space was once part of the historic village green. On this basis, I recommend the deletion of this proposed local green space.
- 7.38 The two open areas at Heathlea Gardens (LGS 5) provide an attractive open landscaped area at the south and west of the village. I am satisfied that they meet the three criteria to be designated as local green space. This judgement does not accord with the outcome of the assessment of the same site as part of the emerging local plan in April 2016 (see paragraph 7.37 of this report). Nevertheless, in coming to this decision I have taken into account my own observations about the way the site provides a well-maintained landscape frontage to small houses on the edge of the village and provides a sense of tranquillity. There was also very clear evidence of its

recreational use. In particular, I saw a very imaginative and well-constructed swing that had been attached to one of the trees. In any event its designation as a local green space will neither hinder nor prevent the implementation of either national policy or the strategic objectives of the adopted local plan and the emerging Central Lincolnshire Local Plan.

Delete Local Green Space 4 – Bottle and Glass Beer Garden from the schedule of proposed Local Green Spaces.

Make consequential changes to Figure 10.

E2: Biodiversity

- 7.39 This policy appropriately sets out to safeguard the biodiversity in the Plan area. Important sites are referenced in the supporting text.
- 7.40 In a similar fashion to other policies in the Plan this policy is criteria based. Nevertheless, its structure is confusing as its criteria are both positive and negative. I address this matter in recommended modifications. The effect of the modifications is to set out what is required to secure planning permission and which types of development will result in the refusal of planning permission. This will give clarity all round and as required by the NPPF.

In the first criterion replace ‘not result in...upon’ with ‘respect’

**Insert the following as a separate second component of the policy:
Development proposals that would result in the loss of, or which would create unacceptable harm to wildlife sites and other areas of ecological importance will not be supported.**

E3: Scothern Beck Green Corridor

- 7.41 This policy provides a context to safeguard the Scothern Beck. I saw its importance and character on my visit to the Plan area. The policy is underpinned by community survey results. The policy is very clear and proportionate on the type of proposals that will and will not be supported.
- 7.42 The policy meets the basic conditions.

C1: Provision of new or improved community facilities

- 7.43 This policy recognises that there may be a demand for new community facilities as the village expands during the Plan period. On this basis, it sets out a criteria based policy against which such proposals can be assessed.
- 7.44 The policy meets the basic conditions.

C2: Loss of existing community facilities

- 7.45 This policy identifies a range of existing community facilities and then sets out a context against which proposals for their improvement will be assessed. It then goes on to identify criteria against which planning applications that propose the loss of these facilities would be considered. The approach adopted is entirely appropriate. In particular, the second component of the policy properly takes account of viability issues. It also recognises the potential that the new uses proposed may have a greater benefit to the community.
- 7.46 The policy as submitted meets the basic conditions. However, I recommend that its title is refined. As submitted it implies that community facilities will be lost. The policy will however ensure a very different and appropriate outcome.

In the title of the policy replace 'Loss' with 'Retention and improvement'

Community Aspirations

- 7.47 The submitted Plan includes a series of community aspirations. Whilst the Plan acknowledges that they are not land use matters it identifies that they stem from community consultation and engagement. I provide commentary on these matters as follows:

CA1: CIL Monies

This aspiration sets out the range of community infrastructure projects to which the local element of the community infrastructure levy will be applied. They are appropriate and relate to the nature of the Plan area.

CA2: Improvements to bridleways, walking and cycling routes

This aspiration sets out to support improvements to existing footpaths or their use. Its approach is both for making better use of existing facilities or through proposals that make land available for such purposes. It overlaps with CA1 in its potential use of CIL funding. I saw the impressive network of footpaths on my visit to the Plan area. The improvement and/or extension of the network would assist the wider objectives of the Plan.

CA3: Enhancement of village facilities

This aspiration sets out a potential range of uses for parcel of land close to the Church of England Academy. It anticipates that it may become available during the Plan period and identifies an appropriate range of community related uses.

CA4: Redevelopment of the cricket ground

This aspiration links the potential development of the site in CA3 with the potential redevelopment of the cricket ground to provide an extended village hall. This aspiration again relates to the wider objectives of the Plan. In the event that the proposal came forward it would need to be considered on its own merits and in accordance with land use policies in this Plan.

CA5: Assets of Community Value

This aspiration requests that WLDC identifies five community facilities as Assets of Community Value. This approach is appropriate for promotion through a neighbourhood plan. Nevertheless, the five facilities will need to be assessed by WLDC based on their merits and under separate legislation.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Scothern Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to West Lindsey District Council that subject to the incorporation of the modifications set out in this report that the Scothern Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 9 April 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. I am particularly grateful to all those who provided timely information and commentary on the proposed Bottle and Glass local green space.

Andrew Ashcroft
Independent Examiner
7 November 2016

