



**Prosperous Communities
Committee**

Date: 18th July 2017

Subject: Brattleby Neighbourhood Plan Public Referendum

Report by:

Chief Operating Officer, Mark Sturgess

Contact Officer:

Daniel Evans
Assistant Neighbourhood Planning Officer
Daniel.evans@west-lindsey.gov.uk

Purpose / Summary:

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

RECOMMENDATION(S): Members formally approve the Brattleby 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: Financial: FIN/44/18

Additional financial contributions are available from DCLG to support Neighbourhood Planning and cover the cost of the public referendum. 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 Brattleby 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 Examiners Note

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 Brattleby Neighbourhood Plan

- 1.1 The Brattleby Neighbourhood Plan area was designated on the 13th August 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, including public meetings, public events, exhibitions and discussions with local businesses/landowners.
- 1.3 The Neighbourhood Plan Group identified local planning issues and conducted a number of 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:

- Design and type of future housing development
- Protection of Local Green spaces around the village
- Retaining built character and heritage
- Improving digital connectivity

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 MRTPI) 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 Brattleby Public Referendum has been scheduled to take place on **Thursday the 31st August 2017.**

2.4 If more than 50% of those voting in the referendum vote 'yes', then the council will bring the plan into legal force and it forms part of the statutory development plan.

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 seven 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 September (2017) Full Council meeting.

3.2 Once this has been undertaken the Neighbourhood Plan forms part of the statutory planning policy requirements for the Brattleby Parish area.

4.0 Recommendation

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

Brattleby Neighbourhood Plan

2016-2036

**A report to West Lindsey District Council on the
Brattleby 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 December 2016 to carry out the independent examination of the Brattleby Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 3 March 2017.
- 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 and celebrating its rich historic environment. This focus has also resulted in a Plan that requires only a limited number of modifications to meet the basic conditions. It has also resulted in a Plan that has been produced in a relatively short period of time.
- 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 Brattleby 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
8 March 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Brattleby Neighbourhood Plan 2016-2036 (the Plan).
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Brattleby 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. The letter confirming this outcome is usefully included as part of the submission documents.

- 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 Brattleby Conservation Area Appraisal
- the representations made to the Plan.
- the West Lindsey District Local Plan (First Review) 2006.
- 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 3 March 2017. 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 proportionate to the limited population base of 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 from September to November 2016. The Statement helpfully lists the three comments that were received on this version of the emerging plan. As these comments were entirely supportive of the Plan the Consultation Statement cannot directly address the issue of how the submitted Plan took account of the various comments and representations.
- 4.3 The Plan itself sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about:
- The parish questionnaire (November 2015)
 - The exhibition in the Village Hall (March 2016)
 - The cheese and wine night (May 2016)
- 4.4 The Statement also sets out details of the consultation events that were carried out in relation to the pre-submission version of the Plan. Information is provided about the local availability of Plan documents in paper format and the public event in Aisthorpe Village Hall.
- 4.5 It is clear to me that consultation has been an important element of 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.
- 4.6 The positive approach that was taken to Plan making is reflected in the number of representations received to the submitted plan (see 4.8 below) and their 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 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 20 February 2017. This exercise generated comments from Natural England and WLDC.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Brattleby. It was designated as a neighbourhood area on 13 August 2015.
- 5.2 The Plan area sits approximately 7 miles to the north of Lincoln. It is located to the immediate north of Scampton and to the north and west of RAF Scampton. The Plan area has a population of approximately 111 people and around 46 dwellings. The Plan area is primarily in agricultural use and with the built-up area of the village at its heart. The village itself is predominantly residential in character.
- 5.3 The majority of the built-up element of the village is within the Brattleby Conservation Area, designated in 1981. The format of the village reflects its agricultural heritage. The traditional buildings themselves are primarily constructed in coursed rubble stonework mostly with red pantiled roofs, although some have Welsh slate roofs. The more modern buildings in the village have been designed to reflect its historic character; they use buff bricks or reconstituted stone and similar roofing materials to those on the traditional buildings. As the Conservation Area character appraisal identified in 1981 Brattleby 'has been very fortunate that the builders of these more recent dwellings have had concern for the village environment'. This process has clearly continued since 1981. The more recent houses have continued this responsible building tradition. It is a process of which both the District Council and the local community should be proud.

Development Plan Context

- 5.4 The West Lindsey District Local Plan (First Review) was adopted in June 2006. It sets out the basis for future development in the District between 2006 and 2016. A significant number 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 Brattleby neighbourhood plan:

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

Policy Strat 8 which sets out a series of criteria against which applications for windfall or infill residential developments will be assessed in small rural settlements.

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

- 5.5 The Basic Conditions Statement (in its table 3) 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 examined earlier this year. It is now at a very advanced stage in its preparation. Proposed Main Modifications have now been published. In this emerging Plan Brattleby retains its position within the settlement hierarchy. Policy LP2 of the Plan identifies Brattleby as one of a series of Small Villages. There are some elements of the Main Modifications which may affect the levels of growth in Brattleby and other Small Villages throughout the Plan period, although there would be no direct conflict between the two sets of policies in the CLLP and the submitted neighbourhood plan.
- 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 Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 3 March 2017.
- 5.10 I drove into the Plan area from the A15 on the single-track road to the immediate north of RAF Scampton. This gave me the opportunity to see the rural parts of the Plan area to the east of the village itself. I then parked in School Lane.
- 5.11 I looked initially at the proposed local green space at the junction of School Lane and Back Lane. It occupies an important position at the heart of the village.
- 5.12 I then walked along the B1398 to the north of the village to see one of the identified key views into the village.
- 5.13 I then retraced my steps into the village itself. I walked up to Brattleby Hall and the Hall Stables. Thereafter I walked to the listed St Cuthbert Church and the adjacent Old Rectory.
- 5.14 I then walked back into the village and looped around Back Lane. I saw the very distinctive Slate Cottages with their very interesting roof structures.
- 5.15 Throughout my visit I was very taken by the quality of building maintenance and the general pride that had been taken in the local village environment. I saw that Western Power had contributed to this approach by shielding its substation on the B1398 with rubble stonework.
- 5.16 I finished my visit by driving to the western parts of the Plan area along Thorpe Lane to Sturton by Stow.

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 Brattleby 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.
 - 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 recent ministerial statements.
- 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 within the context of its historic character. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to this character and the position of the village in the local settlement hierarchy. Table 2 of the Basic Conditions Statement is particularly effective in terms of mapping the 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 for the development of smaller dwellings and to improve digital connectivity. In the social role, it includes policies for the development of smaller dwellings to meet the needs of young and old persons and to designate an area of local green space. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment.

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. Table 3 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 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 distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at 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.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 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 1-5)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.
- 7.9 Section 1 provides very clear context to the neighbourhood planning process. It also provides a useful connection to national policy, the adopted Local Plan and to the emerging Local Plan.
- 7.10 Section 2 identifies the geographic extent of the Plan area. It also helpfully sets out the reasoning that has underpinned the decision of the Parish Council to produce the Plan. It provides a useful commentary on the purpose of a neighbourhood plan and sets out details about the initial community engagement that took place.
- 7.11 Section 3 sets out the Community Vision for the Plan area. It is clear, concise and proportionate to the Plan. The Vision is underpinned by four community objectives. These objectives very clearly cascade into the various policies.
- 7.12 Section 4 sets out key facts about the Plan area. Its focus is on house types and the demographics of the local population. In relation to the former the house types are

primarily three and four bedroom houses. In relation to the latter there is a concentration of persons in the 45-59 and 60-74 years' age brackets.

- 7.13 Section 5 then describes the character of the Plan area. It does so to good effect. It makes good use of several colourful and informative photographs.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1: Design of New Development

- 7.15 This policy follows on from the overarching approach and vision for the Plan, and chapter 5 in particular. It sets a very clear tone for the quality of development that should come forward within the Plan period. It reflects the contents of paragraphs 56 to 68 of the NPPF. Its approach is commendably distinctive but without being prescriptive
- 7.16 In order to have the clarity required by the NPPF I recommend a series of modifications to the policy. These modifications reflect the importance of this policy within the Plan itself. The first reconfigures the opening element of the policy so that it provides an appropriate degree of judgement to the decision maker throughout the Plan period. The modified wording will also better address the range of proposals that are likely to come forward within the Plan period. I also recommend that the first two criteria in the policy are reconfigured so that they are both clear and anticipate the full range of development that may come forward in the Plan period. Finally, I recommend that criterion h) is modified. This will ensure that a developer will need to address all the criteria in this important policy.

In the initial part of the policy replace 'must' with 'should' in both sentences.

Replace criterion a) with 'Respect the existing patterns of development.'

Replace criterion b) with 'Where possible reinforce existing connections and take opportunities to create new connections.'

In criterion h) reposition the semi-colon so that it sits immediate after 'context' rather than 'and'.

Policy 2: Extensions and remodelling to existing properties

- 7.17 This policy sets out to provide detailed guidance for alterations to existing properties in the Plan area. It takes account of the likelihood that such applications will constitute the majority of development within the Plan period. The policy is criteria-based.
- 7.18 I recommend two modifications. The first relates to the use of the word 'granted' in the introductory section of the policy. Whilst it is likely that this will be the outcome of the majority of such proposals the tone of the policy takes away the ability of the local planning authority to make decisions on the merits of individual proposals and to take

account of the usual array of material planning considerations. The use of the word 'supported' will provide greater flexibility without taking away from the importance of the criteria set out in the policy

- 7.19 The second relates to the final criteria in the policy. It sets out to ensure that the cumulative effects of extensions across the countryside are acceptable. The final element of this criterion is unclear and would be difficult for the decision maker to apply reasonably and consistently. I recommend that it is replaced with a form of words that better reflect the way in which the village sits within its wider landscape setting.

Replace 'granted' with 'supported' in the initial part of the policy

In criterion d) replace 'across.... countryside' with 'with regards to the relationship between the built form of the village and the surrounding countryside'

Policy 3: Housing Mix and Type

- 7.20 This policy offers support for housing that addresses the needs of local people. In particular, it offers support for smaller dwellings to meet the needs of both older and younger persons.
- 7.21 The policy reflects the evidence base (Section 4) of the Plan. It meets the basic conditions.

Policy 4: The Historic Environment

- 7.22 This policy sets out to safeguard the very distinctive and attractive historic environment within the built-up form of the Plan area. The majority of the village is within its conservation area. The importance of this policy became readily apparent when I visited the Plan area. The policy adds local detail to national and local policies to safeguard the historic environment.
- 7.23 The focus of the policy is on listed buildings, heritage assets and locally listed buildings. WLDC comment on the inconsistent use of some of the expressions in general, and the lack of any clarity over the buildings on the local list. This is an important factor in relation to the implementation of this policy through the development management process. The situation is however much more clearly defined on the Proposals Map 1. I recommend modifications to both the policy and the supporting text to clarify this point.
- 7.24 I also recommend a modification to the structure of the policy. In particular, it is important to clarify that the batch of criteria relate specifically to the first aspect of the policy.

In the first section of the policy replace ‘Heritage Assets and listed buildings and their curtilages’ with ‘The Heritage Assets as shown in Proposals Map 1’

Incorporate criterion b) into criterion a). Make consequential order changes to the remaining criteria.

In the second part of the policy replace ‘will have’ with ‘will be required’

Policy 5: Local Green Space

- 7.25 The Plan designates a paddock to the south of School Lane as a local green space. It is owned by the Parish Council.
- 7.26 The proposed local green space comfortably meets the three criteria as set out in the NPPF. It sits in the heart of the village and is entirely appropriate for this designation. It is precisely the type of site that the authors of the NPPF must have had in mind when promoting the concept of local green space. The policy meets the basic conditions.

Policy 6: The Countryside and the Environment

- 7.27 This policy is identified as policy 5 rather than policy 6. It is within my remit to correct administrative errors of this nature.
- 7.28 The policy sets out specific requirements to ensure that any new housing development sits comfortably within the village’s wider landscape setting. A map on page 13 of the Plan identifies sites that may be suitable for such development. The size of the three sites reflects the position of Brattleby in the local settlement hierarchy.
- 7.29 As drafted the policy requires the submission of a range of details. In order for this policy to be effective in development management terms it should require new developments to address and take account of the various criteria identified. I recommend modifications to the policy accordingly

In the first part of the policy replace ‘must provide.... following details’ with ‘should address and take account of the following criteria through the submission of a green space and landscaping strategy with applications for the development of the site’

In criterion b) replace ‘a conditions survey of ‘with ‘the condition of’.

In criterion c) reposition the semi-colon so that it sits immediate after ‘removed’ rather than ‘and’.

Retitle as Policy 6 (rather than as policy 5)

Policy 7: Improving Digital Connectivity

- 7.30 This policy is identified as policy 6 rather than policy 7. It is within my remit to correct administrative errors of this nature.
- 7.31 The policy sets out to support proposals that would provide access to a superfast broadband network.
- 7.32 As the Plan comments this approach has regards to paragraph 42 of the NPPF. In substantive terms the policy meets the basic conditions. I recommend a modification to address the numbering point identified in paragraph 7.30 above.

Retitle as Policy 7 (rather than as policy 6).

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 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 Brattleby 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 some technical 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 Brattleby 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 13 August 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.

Andrew Ashcroft
Independent Examiner
8 March 2017